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VOL. II.

THE
OFFICIAL LETTERS
OF
Alexander Spotswood,

LIEUTENANT-GOVERNOR OF THE COLONY
OF VIRGINIA, 1710-1722.

Now First Printed from the Manuscript

IN THE COLLECTIONS OF THE

Virginia Historical Society.

WITH AN INTRODUCTION AND NOTES BY

R. A. BROCK,

Corresponding Secretary and Librarian of the Society.

VOL. II.



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Letters of Gov. Spotswood.

VIRGINIA, October 15, 1712.

To ye Council of Trade :

MY LORDS :

The arrival of the Dunwich Frygat, with her Maj't's proclamation for a Cessation of Arms,¹ gives me the opportunity of a few Minutes to inform y'r Lord'ps of ye present Scituation of Affairs in these parts.

The Indians continue their Incursions in North Carolina, and the Death of Colo. Hyde, their Gov'r, w'ch happened the beginning of last Month, increases the misery of that province, so much weakened already by their own divisions, that no measures projected by those in the Governm't for curbing the Heathen can be prosecuted.

This Unhappy State of her Maj't's Subjects in my Neighbourhood is ye more Affecting to me because I have very little hopes of being enabled to relieve them by our Assembly, which I have called to meet next Week ; for the Mob of this Country, having tryed their Strength in the late Election and finding themselves able to carry whom they please, have generally chosen representatives of their own Class, who as their principal Recommendation have declared their resolution to raise

¹ For the proclamation, see *Hening's Statutes at Large*, iv, pp. 555-557.

no Tax on the people, let the occasion be what it will. This is owing to a defect in the Constitution, which allows to every one, tho' but just out of the Condition of a Serv't, and that can but purchase half an acre of Land, an equal Vote with the Man of the best Estate in the Country.

The Militia of this Colony is perfectly useless without Arms or amunition, and by an unaccountable infatuation, no arguments I have used can prevail on these people to make their Militia more Serviceable, or to fall into any other measures for the Defence of their Country. The fear of Enemys by Sea, (except that of pyrates,) are now happily removed by the peace, (which if on no other acc't than that alone,) ought to be received here as the greatest and most valuable blessing; but the Insurrections of our own Negroes, or the Invasions of the Indians, are no less to be dreaded, while the people are so stupidly averse to the only means they have left to protect themselves Against either of these Events. I shall, for my own part, take all the care I am capable of (under these disadvantages) for the safety of her Ma'tie's Subjects, and still endeav'r to testify to yo'r Lord'ps, that I am, with due respect.

February 11, 1712 [1713].

To the Lords Proprietors of Carolina:

MY LORDS:

Since I have undertaken to concern myself in ye Affairs of yo'r Lord'ps' province of No. Carolina, in my Neighbourhood, I think myself oblig'd to give y'r Lord'ps an account thereof from time to time, more especially in ye present Conjuncture, while the people labour under the presure of an Indian War; and, passing by sundry transactions I have heretofore had w'th that Governm't, (because a relation thereof might be as disagreeable to yo'r Lord'ps as they have been to me,) I shall only mention what is at present in Agitation for ye relief of y't unhappy people.

About the begining of last Novem'r I receiv'd a represen-

tation from ye President, Council and Burgesses of No. Carolina, setting forth their deplorable Circumstances, and praying some Assistance from hence.² I immediately layed it before our Assembly, then sitting, and that I may avoid troubling yo'r Lord'ps with a long Narrative of the Success thereof, I send herewith a Copy of the proceedings thereupon, which y'r Lord'ps may peruse at y'r Leisure. I shall only briefly tell y'r Lord'ps that with much ado I prevail'd with our Assembly to support y'r Lord'ps' province with Cloathing for 300 Men, and to raise £1,000 for their further relief in such man'r as I should judge proper. Y'r Lord'ps will easily imagine that a Sum so disproportionate to the exigency of Affairs (tho' it must be confessed to be the greatest that ever an Assembly of Virginia gave to be employ'd out of the Country,) requir'd a more than ordinary frugality in the managem't thereof to render it effectual for the intended Service. For this purpose I thought it necessary to desire a Conference with y'r Lord'ps' Deputys, at some place which they should think most convenient, to concert proper measures for employing this small supply, being in hopes, with the addition of provisions which the Assembly of No. Carolina had engag'd to furnish, I might be enabled to furnish such a body of men to their relief as might in a great measure have dispers'd the Enemy and given some relaxation to their troubles; but whether the arrival of the succours from So. Carolina in the meantime under Colo. James Moore, (consisting, as he informs me, of 850 Indians and 33 white men), made them believe they should have no further occasion of my Assistance, or by what other unaccountable humour they were guided, I cannot determine, but it was above Two Months before I could prevail with them to give me a Meeting, and then, Notwithstanding I took the Trouble of a Long Journey to a place where Mr. President Pollock³ might easily have come by water, I only

² For correspondence regarding the troubles in North Carolina, see *Calendar of Virginia State Papers*, W. P. Palmer, M. D., editor, i, pp. 154-170.

³ George Pollock, who had served as the deputy of Lord Carteret. As President of the Council, upon the death of Governor Edward Hyde, September 8th, 1712, he became the acting Governor of the colony, serving until July 13th, 1713, when Charles Eden was appointed Governor. Upon the death of the last, March 17th, 1722, Pollock became again the acting Governor, and so served until his death, on the 30th of August following.

found there Major Gale⁴ and one Mr. Petterson, but both so far from having any power or Instructions to propose anything for the Service of the Country, that all I found they had to tell me was y't I could expect no provisions from them; that their men had all either deserted the Governm't, absconded in it, or shelter'd themselves under ye Masque of Quakerism, to excuse their bearing arms; and that now they had got the Cloathing, which I have deliver'd to them, they had no men to use them. So that being disappointed both of the provisions I had been promis'd, and of the Assistance of men to Act in Conjunction with what I intended to raise, and every man at the conference agreeing y't if the Charge of the Provisions was to be taken out of ye £1,000, the remaind'r would not suffice to pay such a number of Men as in prudence I ought to venture into the Tus-couroro Country; and lastly, all concluding that without some speedy measures taken for the relief of that Province, ye greatest part thereof would be abandon'd to the Indians; I then offer'd to supply the Charge of provisions out of her Maj't's revenue of q't rents of this Colony, provided y'r Lord'ps' Deputys would engage to her Maj'tie all the Lands to ye Northward of Roan-oake River and Chowan Sound, for ye repaym't thereof within three y'rs. This could have been no risque to y'r Lord'ps If y'r Deputys had any faith on the public Engagem'ts of their Assembly; or, if that should not have prov'd a sufficient Security to discharge ye Debt, y'r Lord'ps had then three Years either to Continue the paym't of it some other way, or to Obtain her Maj't's fav'r to remitt it entirely. On the other hand I only run ye hazard of incurring her Maj't's Displeasure, by breaking upon a positive Instruction, which restrains me from disposing of any part of that Revenue without a particular Warrant. I told Major Gale and Mr. Peterson at parting, and wrote by them to the president, that I could not proceed to raise men till provisions were ready for their Subsistance; and I press'd a speedy Resolution; but I have now waited 3 weeks without receiving any answer, and hereby all measures for their Assistance from hence are at a Stop. I cannot but apprehend the ill consequence of this unseasonable delay, for if Colo. Moore should meet w'th any Considerable disadvantage in his

⁴ Christopher Gale, Chief Justice.

Attempt upon the Tuscoururo Towns, it is not to be imagin'd that a body of Men, peic'd up of so many nations of Savages as his is, should be kept together after being once baffled. Nay, if Colo. Moore alone should happen to miscarry, they would immediately disperse, and such a disorderly multitude, let loose among the Inhabitants, would prove as destructive as the Enemy; Since experience has already show'd how little of discipline or Rule there is among them, and that even Colo. Moore's presence and authority Could not restrain them from such ravages among the stocks of y'r People, where they were quarter'd, as, (if President Pollock informs me aright,) hath more exasperated the Inhabitants ag't these Auxiliaries than against the Tuscaruros, their Enemys.

VIRGINIA, Feb. 11th, 1712 [1713].

*To ye Earl of Dartmouth:*⁵

MY LORD :

By the Dunwich Frygat, I receiv'd the hon'r of y'r Ld'p's of the 21st of August, and since that, another of ye 28th of the same Mo., both relating to ye Truce concluded between her Maj'ty and the French King and have caused it to be publish'd here as usual. In Obedience to her Maj't's

⁵ William Legge, Earl of Dartmouth, born October 14, 1672; entered Parliament November 22, 1695; constituted one of the Lords Commissioners of Trade and Plantations, June 14, 1702, and Privy Councillor on the 18th instant following. In 1710, he was sworn one of the principal Secretaries of State, and constituted Keeper of the Signet of Scotland, in commission with James, Duke of Queensbury. September 5, 1711, he became Viscount Lewisham, in Kent, and Earl of Dartmouth; appointed Lord Keeper of the Privy Seal in 1713, and on the death of Queen Anne was one of the Lords Justices of Great Britain, High Steward of Dartmouth and one of the Governors of the Charter-House; married, July, 1700, Lady Anne Finch, third daughter of Heneage, Earl of Aylesford, by whom he had issue six sons and two daughters; died December 15, 1750, and was succeeded by his only grandson, William, son of George, Viscount Lewisham and his wife Elizabeth, sole daughter and heiress of Sir Arthur Kaye, of Woodsome, in Yorkshire, Bart.

Comands, signified in y'r Lord'p's Letter of the 14 of April, I laid before our late Assembly the 84 Art. of my Instructions, to be pass'd into a Law, pursuant to her Maj't's gracious permission; but the house of Burgesses did not think fit to agree thereto; however, the Instructions is already a Law to me, and must be to every one that pretends to ask a grant of the Queen's Lands, without the Formality of passing it into an act of Assembly. Tho' I can't but believe that it must be as disagreable to yo'r Lord'p to hear, as it is to me to write a Constant Acc't of the miserys and distractions of my Neighbouring province of No. Carolina, yet my duty to her Maj'tie and regard for her Subjects will not suffer me to conceal from y'r Lo'p their Unhappy Circumstances, nor to set idle without using my utmost endeav'rs to releive them, for tho' they have lately rec'd from So. Carolina aid of 850 Indians and 33 white men, under the Command of one Colo James Moore, of whose coming timely notice had been given them, yet that Governm't was so negligent and improvident that they neither made provision for the Subsistence of those Forces, nor had in readiness any of their own to joyn them. So that thro' the ingovernable Temper of such a Multitude, composed of a great many different nations, and the necessity of disposing them about the Country, for their better Subsistence, the poor Inhabitants have a greater destruction among their Stocks by these Auxiliaries, than they did from their Enemy's Before the Arrival of this Succour. I had, upon a representation from the Presid't and Assembly of that province, (of which I send y'r Lord'p the Copy,) obtain'd from our Assembly the sum of £1,000, to be imployed for their relief, together with Cloathing sufficient for 300 of their men, which could not otherwise endure the fatigue of a march ag't the Enemy in the Winter Season. It was with much Struggle I obtain'd this inconsiderable supply. And because such an insignificant Sum requir'd more than ordinary frugality in the managem't, I was willing to consult with the President and Council of Carolina upon the most effectual measures for laying it out to their Advantage. Yet, after waiting above 6 weeks for their ans'w'r, and when at last I had taken the trouble of a long Journey to the Frontiers to obtain a meeting, Neither the Presid't nor ye Comand'r of their forces thought fit to be there, but only sent two Deputys, who, instead of offering any proposals, or facilitating the prosecution

of the War against the Indians, had only Authority to tell me that the provisions promis'd by their Assembly, (as y'r Lord'p will observe mention'd in their Representation,) for the Forces intended to be sent from hence, is not now to [be] expected from 'em; tho' at the same time they could not but acknowledge that the small Sum given for that Service is insufficient for raising and Subsisting such a body of Men as can in prudence be ventur'd from hence into the Tuscaruro Country. It is a difficult Task I have to encounter when no engagm'ts of the persons principally concern'd in ye Affair can be rely'd on; Almost all the necessarys of Tents, Ammunition, &c., for an expedition wanting; no money to provide such necessarys; Not one Officer in this whole Government that knows anything of the discipline of forces to assist me; the people generally averse to undertake anything for the relief of their Neighbours; no Law in ye Country to Compel them to serve in such an Expedition; Nor have I hitherto receiv'd any directions from her Maj'tie to countenance me in any extraordinary measures I may have Occasion to use in this Conjuncture; And if the Gov'r of No. Carolina should still continue so stupid as to deny furnishing provisions, Or if Colo. Moore should happen to be baffled in his Enterprize, the Consequence may be fatal, both to that Unhappy province and to the other Neighbouring Governm'ts; since by that means the Indians will be more encouraged in their Insolencies. I shall, however, continue my Endeav'rs to obviate these mischeifs as much as I am able, under the disadvantages I have here faithfully represented to y'r Lord'p, and must not dismiss this Subject without saying thus much in excuse of the Assembly of Virginia: That the small supply they have given on this occasion, howev'r unequal to the exigency, is nevertheless the greatest that ever any Assembly have rais'd to be employ'd out of the Country; and is the more considerable in regard of the little Affection they bear their Neighbours of Carolina, who they seem to think have very little deserv'd it, as having drawn the miserys on themselves by the continued disorders in their Gov't; and a Generall Licentiousness among ye people. I send y'r Lord'p, together with the Journals of ye Assembly, a Transcript of the Laws pass'd this Session; upon which I shall forbear troubling y'r Lord'p with any P'ticular remarks, having writ at large to the L'ds Comiss'rs of Trade, where I know y'r Lord'p will have part of whatever is necessary for y'r Observation.

I shall conclude y'r Trouble of this Letter by informing y'r Lord'p that I have obtain'd of the Gen'l Assemb'y a further Sum of £900 for furnishing the Gover't house, w'th w'ch, (tho' given on a distant fund,) I hope to compleat that work before the Expiration of the time for w'ch her Maj'tie hath been graciously pleas'd to continue my Allowance of house rent.

Col. Harrison, one of her Maj't's Council, being lately dead, and thereby the Number of Counsellors residing near the Seat of Govern't become very small, I cannot Recommend a fitter Person to supply that vacancy than the Gent. who was last Year, by her Maj't's fav'r, promoted to the Office of Secra't'y, Mr. Wm. Cocke,^a his residence at W'msburgh will render him near

^a His epitaph in Christ Church, Williamsburg, thus recites his worth :

" MDCCLII

Inscribed to the memory of
 Doctor William Cocke,
 an English physician, born of reputable
 parents
 MDCLXXII,
 at Salisbury, in Suffolk,
 and educated at Queen's College, Cambridge.
 He was learned and polite;
 of undisputed skill in his profession;
 of unbounded generosity in his practice;
 which multitudes yet alive can testify.
 He was many years a member of the Council
 and Secretary of State for this Colony
 In the reign of Queen Anne and of King
 George.

He died suddenly sitting a Judge upon the
 Bench
 of the General Court in the Capitol,
 MDCCLXX.

His Honorable Friend Alexander Spotswood, Esq.,
 then Governor,
 with the principal gentlemen of the country,
 attended his Funeral;
 and weeping saw the Corps interred
 at the west end of the Alter
 in the Church."

He married Elizabeth, sister of Mark Catesby, the Naturalist, and had issue :
 1. *Elizabeth*, b. Aug. 29, 1701, m. 1st Sept. 4, 1720, Wm. Pratt, of Gloucester county, he dying in 1724, she m. 2dly Col. Thomas Jones, by whom she had issue; 11. *Catesby*, b. Sept., 1702, m. and had issue: John Catesby, Capt. in the

at hand upon all sudden Emergencys when it is extremely difficult to get together a Suff't Number to make a Board, in the present circumstances of the Council, who, for the most part, live remote.

February 11th, 1712 [1713].

To the Lords Commissioners of Trade :

MY LORDS:

It is so long since I had an opportunity of writing to y'r Lord'ps, that I hope you will the more Easily pardon the trouble I shall give you in this long letter, since I am oblig'd to comprehend therein the transactions of a late Gen'l Assembly and the other occurrences of this Governm't; lodge therewith those of the Neighbouring province of North Carolina.

The public Debts which had been contracted upon the expected invasion of ye French Squadron, fitted out for the West Indies in 1711, together with the necessity of continuing the Rangers for the guard of our Frontiers against the incursions of the Indians, oblig'd me to call an Assembly to meet ye 22d of Oct'r,¹ according to what I had the hon'r to inform y'r Lord'ps in my last, by the Dunwich, Man of War; And though the greater part of the House of Burgesses consisted of the Old Members, I have so far prevail'd on them that all the public Debts for putting the Country in a posture of defence, are now discharg'd, Except one, for a Spy-boat, imploy'd about the

Virginia Navy of the Revolution; III. *Anne*, b. June, 1704, m. Major Wm. Woodford, of Caroline county, and had issue, Capt. Thomas, commanded a Sloop in 1767, and William, General in the Revolution; IV. *Rachel*, b. Oct. 1705, m. — Lewis.

The descendants of Secretary Cocke include the names also of Thornton, Gregory, Washington, Buckner, Hansford, Laughlin, Taliaferro, Battaile, Archer, Taylor, Dudley, Montgomery, Holliday and others. His widow married, secondly, Col. John Holloway, an eminent lawyer of Williamsburg. She died March 4, 1755, aged 74 years.

¹ For the Act passed Nov., 1711, see *Hening* iv, pp. 9-12.

Capes, in the absence of our Guardships. 1. Which I have been oblig'd to satisfy out of her Maj't's revenue of 2s. ~~3~~ hhd, finding it in vain to press them after sundry repeated Denyals. 2. And the expence of subsisting the French prisoners, in regard of the great charge now on the Country for the Rangers, which are Continued for another Year. In order to perswade the House of burgesses to discharge the expence of the Spy-boat, and of the French prisoners, I laid before them a State of the annual charge of the Governm't for the last 22 Y'rs, together with the produce of the establish'd revenue for the same time, where I made it appear that ye Fund rais'd by the revenue Act had, since the Y'r 1689, fallen short of answering the Salaries and Contingencies of this Governm't by the Sum of £7, and that such a deficiency had, from time to time, been supply'd by the Crown revenues, and thereupon I took occasion to argue with them, as may be seen in my Message of the 28 of Nov'r last, (Burgesses' Journal, Page —). Indeed, in stating the Acc't, I charg'd the Country with the Salarys of all ye Officers of this Governm't, even w'th those of the Commissary and Attorney Gen'l, which are paid out of the Quit Rents, and on the other hand, I extracted all sums that had arisen by fines and Forfeitures, by the purchase of Rights for Land and by the sale of the Queen's Arms, w'ch Articles, I find, have before my time been allow'd to pass in the same Acc't with ye revenue y't arises by the Act of Assembly made in ye year 1680, and so have always been apply'd to the support of the Governm't. The hon'r Y'r Lord'ps have done me in approving my Conduct in relation to the Civil Dissentions in No. Carolina, is ye greatest Encouragem't I at present have for the continuance of my Endeav'rs to assist y't unhappy people. I could have rec'd from y'r Lord'ps' board, directions for my better guidance in a matter of far greater consequence I'm sure; y't of their Indian War, w'ch would have been so much the more necessary in regard to ye difficultys I have to struggle with here, for such is the natural disposition of these People towards aiding their Neighbours, y't I can very assuredly inform y'r Lord'ps I am the only Person of this Governm't that ever proposes giving any Assistance to No. Carolina in its distresses, and must alone furnish the Arguments to obtain the Council's concurrence, or to procure any Supplys from the Burgesses; besides, that whatever

I undertake in behalf of that distracted Country, I am forc'd to push on with a great deal of Trouble and Expence to my Self. On the other hand, there reigns such stupidity and Dissention in that Governm't of No. Carolina, that it can neither concert any measures nor perform any Engagements for its own Security. For, upon a representation from the President, Council and Assembly of that Province of their miserable Circumstances, which I immediately laid before our Assembly with all ye Exhortations I cou'd use to move their pity to their distressed Fellow Subjects, (as y'r Lord'ps may find in the — page of the Assembly's Journal,) All I have been able to obtain from our House of Burgesses, is onely the sum of a thousand pounds and nine hundred Yards of coarse Cloathing for the poor people that had been plunder'd by ye Heathen, and, (as it was represented,) would be oblig'd to lye out in the Woods for ye protection of the remaining part of ye province against their incursions in the Winter season. Our Burgesses, looking upon that province as the Author of its own misery, by the continued disorders in the Governm't and the Licentiousness of the people; And tho' in their Address they say They have given this supply with chearful hearts, yet the struggle with which it pass'd in their House is an evidence of dissimulation; however, it must be acknowledg'd that this inconsiderable Sum, tho' unequal to the Charge necessary for subduing that barbarous Enemy, is nevertheless the greatest Donative ever given by an Assembly to be expended out of the Country.

I am now endeavouring to lay out this small supply to the best advantage As soon as the Season of the Year will favour an Expedition against the Indians, and should have hop'd by the Assistance of the forces sent from So. Carolina, (which consist of about 850 Indians and 33 White men,) to have reduc'd the Enemy, had the Governm't of No. Carolina done their part, but, notwithstanding the Assurances given by y'r Assembly in their Address, (whereof I send y'r Lord'ps a Copy,) that they would Supply with provisions, and the charges of Transportation what forces should be sent hence to their Assistance; upon a Conference which I had with some Agents from that Governm't about 3 Weeks ago. They plainly told me that they could furnish neither, Nor could they make any proposals to me either for

helping themselves or enabling me to do it. And tho' at their request I have supply'd them with the Cloathing which was intended for 300 men to go out against the Indians, they cannot now find one hundred in the whole province to go on that expedition, some deserting the Country, others absconding, and the rest sheltering themselves under the masque of Quakerism. Such gross mismanagem'ts as these have in a great measure been the occasion of their Unhappy Circumstances, must entail on y'm further miserys, if any accident should happen to the Gent'n who comands the So. Carolina Indians, For as they are made up of a great many different Nations, and kept together by the sole Authority of a single person, There is no question to be made, but that if he should fall, or receive any considerable disadvantage in his attempt upon the Tuscaruros, all these Indians would immediatly disperse and leave their Friends in a much worse condition than they found 'em, having already committed very g't disorders in the Country through which they pass'd; From w'ch no Authority of their Officers could restrain them.

After my grateful acknowledgm'ts to y'r Lord'ps for y'r favourable recomendat'n, upon w'ch I am satisfy'd I owe her Maj't's Bounty in continuing to me ye allowance for house rent for two y'rs longer, I am now to acquaint y'r Lord'ps that I have obtain'd in the Gen'l Assembly a further Sum of nine hundred pounds for finishing the house for the Gov'r, and hope with that money to compleat it within the time her Maj'tie has been pleas'd to limit my Allowance, and am so far from postponing the work for the Lucre of that house rent, that tho' the money given by the Assembly is rais'd on a distant Fund, w'ch cannot be expected to come in at least two y'rs, (because it is anticipated for the payment of former Debts,) I still continue the Workmen upon my own Credit, having no other Intention than to accomplish what her Majes'y has so often recommended to former Gov'rs. As to the other proceedings of the Assembly, of lesser moment, I beg leave to refer y'r Lord'ps to the Journals herewith sent, and the Laws pass'd this Session, upon which I have not need to give Y'r Lord'ps the Trouble of any remarks, as judging neither the Interest of G't Britain, nor her Maj'tie's prerogative to be any way concern'd therein, unless

Y'r Lord'ps be of opinion that the Act to prevent Land Lapsing from Infants, until three y'rs after they come of age, is such,^a tho' I had a very just exception against this Law, because I take it that Non-age is not pleadable ag'st the Crown, and am of opinion that 'tis presumption in a plantation Assembly to abridge the Crown of that privilege by an Act; yet finding the Burgesses extremely Fond of this Law, and as that the Country in Gen'l had set their hearts very much upon it, I was unwilling to Sower their temper by contending with them in an indifereat matter, because if her Maj'ty shall think fit to disallow the act at any time within three years, the whole effect of it is destroy'd. And since that, I have observ'd whatsoever fav'rs are allow'd to pass in an Act of Assembly are seldom reckon'd by the people on this Climate as gracious concessions.

'Tis therefore, in my humble opinion, more advisable y't such like Graces as these be extended to the Country in the same man'r as they have rec'd the benefit of the *Habeas Corpus* Act.

In pursuance of her Maj't's permission for passing into a law the 84th Art. of my Instructions relating to the condition of granting of land, I got a bill to be prepar'd by the Council in the man'r I judg'd most agreeable to her Maj't's intentions; the Circumstances of the Country and the ease of the Subject, a Copy of which I herewith transmit to y'r Lord'ps, wherein y'r Lord'ps will see the different Sorts of Cultivation propos'd, as suited to the nature of the Law to be taken up, and as any other kind of improvement would be impracticable on these several Soils, So there would be a Sufficient restraint on persons from taking up great tracts, (as heretofore,) without any design of cultivation, And the other hand, the conditions required being so reasonable on the part of the patentee, I could not but hope a house of Burgesses would have readily embraced that offer, but the License unto which they have hitherto been accusom'd, remains still so fresh in their Memories, that it was with difficulty they would allow this Bill a second reading in their house, and then rejected it. Y'r Lord'ps no doubt Remember what applications were made to y'r Board even by the President and Council ag'st this Instruction, and that during their Ad-

^a *Hening* iv, pp. 31-2. A previous Act of October, 1705, extended a grace of ten years, after attaining majority, to infant heirs.

ministration. it was never offer'd to be put in Practice, which shows the Gen'l Aversion of the whole Country to alter their antient Customs, how unreasonable soever they may appear to all disinterested persons. And it seems strange to me, when I read over the Records of the Country, to find such unaccountable proceedings in the granting of Land as have been practis'd heretofore. The Gen'l Courts, where the Gov'r has no Negative voice, and must be concluded in his Judgm't by the Majority of the bench, should be allow'd to pass grants of Land, and even in man'r so dishonourable as to order the Gov'r to grant a patent, which, nevertheless, was the Practice before my time; that every one who had a mind to a tract of Land vested in the Crown, either originally, or by lapse or Escheat, claim'd a Right to have a Patent for it upon his petition, without acknowledging any right in the Gov'r to dispense the favours of the Crown, according to the merits and qualifications of the person. This Custome being suffer'd so long to prevail, is now pleaded as the Right of the people, And all restrictions of that method look'd upon as so many infringements of their Liberty, and her Maj't's fav'r seems to them a new term, w'th which they are not acquainted, or at least they forget ye meaning of. I shall, however, make it my business, as 'tis my duty, to bring y'm to another opinion, and I hope I have in some measure convinc'd them by the ans'w'r I gave to the Assembly's Address in Novem'r, 1710, wherein they desir'd the Antient method of taking up Land might be restor'd to them, since they have never yet thought fitt to make a reply, nor to trouble me w'th any further applications on that head; And I am perswaded that nothing can be more pernicious to the good Governm't of these Plantations than to suffer any Custome whatsoever to obtain either in the Courts of justice, or otherwise, contrary to the just prerogative of the Crown, and wherein the fav'r of the Crown and the right of the subject are not distinguish'd, So that I must offer it as my humble opinion to y'r Lord'ps that there is no necessity of making any Laws for directing the manner of granting her Maj't's Lands, and that ye Royal Instructions ought, in all such cases, to be a Law both for ye Gov'r and the People.

While I am upon this Subject of granting of Lands, I cannot forbear taking notice of another abuse crept into ye Administration in the way of Clayming Lands for the importation of per-

sons into the Colony. By the Charter of King Charles the Second, there is allow'd to every person that shall come to dwell here, fifty acres out of the Land not already appropriated, And although there can be no doubt that the design and meaning of this priviledge was to encourage p'sons to adventure themselves for peopling the Country, yet this priviledge has not only been allow'd to the persons import'd, But to the Masters of Ships who brought them in; to the Merch'ts who had the disposal of them as Serv'ts, and to the Masters who purchas'd their Service. So that for one person imported there has been granted away, instead of 50 acres, no less than 200. By this easy way of obtaining Rights for taking up Land, and the encouragem't given by the Act in 1666, establishing a Sham condition of Seating and planting, It has happen'd that such vast Tracts are now posses'd by sundry persons, who thought fitt to employ their thoughts that way, which remain for the greatest part uncultivated, to the great prejudice of the Colony, and the discouragem't of future Adventurers, where they can find little or no Convenient Land to plant upon. By the Law pass'd in 1706, concerning the granting, Seating and planting of Land, the priviledge of fifty acres of Land was again restor'd solely to the Person imported. But since the repeal of that Act people have begun to practice the same fraudulent way of proving Rights for importation. For preventing of which abuse I have, by a Proclamation, (a Copy whereof is herewith sent,) directed all rights already prov'd, to be brought in for examination before any patents are pass'd on them, and have settled a Method for registering of future Rights in the Secretary's Office, whereby no person can obtain a grant of any greater quantity of Land for one importation than is allowed by the Charter, and this will also prove a means of increasing ye Fund arising by the sale of Rights.

Notwithstanding the directions given by his late Maj'tie for revising ye Laws of y's Colony, and a long time spent therein by a Comittee of the Council and Burgesses, which cost the Country upwards of fifteen hundred pounds, I find that work still very imperfect. For the body of Laws pass'd by the Assembly in 1706, as prepar'd by the Foremention'd Comittee, doth not comprehend, (as was intended,) the whole Laws of the Country, there being divers old Acts of Assembly still in force, and Particular clauses in the Acts yet pleadable in the Courts of

Justice here as not coming under the purview of the Gen'l repealing Clauses in the revis'd Laws, which occasions great Confusion in the proceedings of those Courts, while people continue ignorant what is law and what is not. I might, 'tis true, have recommended this matter to the Assembly, and got them to reënact those other Old Laws, But when I consider how many disagreeable clauses were foysted in, both by the Comittee and the Assembly that pass'd the late revis'd Laws,⁹ which has occasioned the repeal of sundry of them, and divers others remain of force w'ch have pass'd unobserv'd among the Crowd, I can hardly perswade myself to this method, and am very much in doubt whether it was y'r Lord'ps' intention that the revising of the Laws should be perform'd in the man'r it was done. I therefore am of opinion that the collecting of all the laws now in force into one body may be done with better Success by the Secretary of this Colony, the Clerk of the Council, the Attorney Gen'l, and one or two of the most eminent English Lawyers here joyned with them. For as the two first have the Custody of all the records, to which recourse must be had in this work, their concurrence and Assistance will be absolutely necessary therein, and the other three will be best able to digest them into a proper method. I find they are willing to undertake the Work upon little more encouragement than the privilege of printing and selling the Copys, and if her Maj'ty think fit to allow these Laws to be publish'd by the Gov'r's Authority, and empower me to grant that licence to these Gent., I shall then Transmit a Copy of the whole to y'r Lord'ps for y'r perusal

⁹The published collections of the laws of Virginia have been as follows: Laws of Virginia now in Force [Francis Moryson], folio, 1662; Laws passed at a General Assembly held March, 1662; Collection of Laws, 1652-82, dedicated to Lord Effingham by J. P. [known as the Purvis Collection], 4to, London, circular 1686; Acts of Assembly from 1662, 4to, London, 1728; Collection, folio, W. Parks, Williamsburg, 1733; Mercer's [John] Abridgement, 8vo, Williamsburg, 1737, and Glasgow, 1759; Acts since 1631, folio, Williamsburg, 1752; Acts in Force, folio, Williamsburg, 1769; Acts of 10th George iii, Wm. Rind, Williamsburg, 1770; Acts of Second Session, 10th George iii, Williamsburg, 1771; Acts since 1768 in Force, folio, Richmond, 1785; Abridgement by Edmund Randolph, 4to, Richmond, 1796; Revised Code, 3 vols., 8vo, 1819; Statutes at Large, Hening, 13 vols., 8vo, Richmond and New York, 1813-21; Continuation of same, 3 vols., 8vo, S. Shepherd, 1835; Codes of 1849, 1860, and 1873, each 8vo. A revision is now being made.

before they are printed. This I submit to your Lord'ps' Consideration, and shall await y'r Commands before I set about y's project.

I have herewith sent y'r Lord'ps an Acc't of the Arms and ammunition belonging to her Maj'ty within this Colony, according to the best Acc't I could obtain thereof from the several Countys into which they have been formerly dispers'd. Most of these Arms are unfitt for Service, and the powder very much decay'd. I have also sent an Acc't of the Negroes imported into this Colony from the Coast of Africa, being but a small number in one ship last fall, And there's no great reason to expect many more while the price of Tobacco continues so low, and the Country by that means so poor.

The list of Births and Burials herewith sent is not compleat, sundry parties having made no return thereof, for 'tis a thing so new to the people, that neither they take any care to register their births and burials, nor are ye Church Clerks brought into a regular method of transmitting them.

Colo. Harrison, one of her Majes't's Council, being lately dead, I cannot recomend a fitter person to Supply that Vacancy than the Gent. her Maj'ty was pleas'd last year to hon'r with the Office of Secretary, Mr. Wm. Cocke. The Gent. of the Council, who live near this place, being now reduced to a Small number, It is difficult to get enough together on any sudden emergency, which makes me the more desirous to have this Gent., speedily added, because of his residence at W'msburgh, and that he will be always near at hand on such occasions, and for the same reason I beg leave y'r Lord'ps of reinstating Colo. Basset in his former post at that Board.

I did not discover, before I was sealing my Letter, that the Laws are not written separately, as they ought to have been, which is occasioned through the mistake of a new Clerk of the House of Burgesses, but I shall take care to amend that error in the Duplicates which shall be sent y'r Lord'ps by the next Conveyances.

May 15, 1713.

*To the Earl of Dartmouth.*¹⁰

MY LORD:

* * * * *

before me for the state of y't Country. That after the taking of that Fort all ye So. Carolina Indians, except 180, immediately return'd home with their Captives and Booty, that the White men suffered so much in their late expedition that he could not find others to recruit them, and that if any men should be sent from hence, they were unable to furnish any provisions for subsistence. I gave him my Opinion, (which has since been unanimously approv'd by the Council here,) that he should Endeav'r to make peace with the Tuscaruros while the Consternation for their late Loss continu'd and before they would discover the weakness of his Governm't to prosecute ye War, and advis'd him to offer such terms as I Judg'd would be hon'ble for the English, and render the peace lasting. I find he has enter'd into a treaty accordingly with one Blunt, the King or Chief man of those Towns which have kept Newter¹¹ during this War, whereby a peace is to be concluded with al[l] of ye Tuscaruro Nation which shall submit to Blunt's Governm't; he engaging on his part to deliver up 20 of the Ring Leaders in the late Massacre, to be nam'd by the Governm't of No. Carolina, and to give hostages for his future Fidelity to the English. This step was the more necessary because it appears now very certain y't the Senecas and others of the five nations under the Governm't of New York have all along assisted and encourag'd the Tuscaruros to continue the war, and Blunt confesses that during the Seige of the aforementioned fort, one of their Sachems commanding a body of 200 men, after having robb'd our Traders as they were going to the Western Indians, came to his Town and endeavour'd to perswade him and the other Neutral Towns, to joyn in attacking the So. Carolina Indians and raising the Seige. Soon after a Party of our Tributary Indians happening to meet with these Northern Indians, kill'd some of them, which brought

¹⁰ The beginning of this letter, covering, presumably, one leaf of two pages, is missing from the MS.

¹¹ Tom Blunt, a Tuscarora Indian.

them down on our Frontiers; whereupon I sent out a party of 140 Men in search of them, but it seems they took another road and so escap'd with their booty, and some murders committed this winter on our Frontiers are suspect'd to have been done by those Northern Indians in their march to the Tuscaruro Country. I have writ to the Governm't of New York to endeavor to discover these Robbers and obtain a reparation for the damages sustain'd by our Traders, which am't to upwards of a thousand pounds Sterling, without which that sett of Traders will be utterly ruin'd. I understand that a great number of the Tuscaruro Indians are gone over to the Senecas for their protection, which gives great apprehensions of their incursions and obliges us to keep constantly in pay partys of rangers in each of our Frontier Countys at a very great Charge, for notwithstanding of the peace with the Tuscaruro Nation is in a fair way of being speedily concluded, we shall still be under the necessity of continuing the same guard untill the five Nations are brought under a better Regulation, and I hope when her Maj'ty hath restor'd Peace to Christendome and freed all her Dominions from the Danger of European Enemys, her Subjects in these parts will not be long under the fear of insults from the heathen, nor under the necessity of courting the Friendship of these five nations, who are grown insolent by perceiving such a value set thereon during the Course of this War.

At our last Gen'l Court, one Jane Ham was indicted upon an Act of Assembly made here conformable to the Statute of England of the 17 of King James the first, and found guilty of concealing the Death of her bastard child, tho' upon the whole Evidence it did not appear that it was occasion'd by any violent means used by her; however, this Crime being made wilful by the Law, I find myself restrain'd by my Commission from granting any Pardon without her Maj't's express Commands, And because all the Judges of the Court have represented her as an object of mercy, and more especially in regard she might be ignorant of the Law, being but lately enacted here. I therefore recommend her case to y'r Lord'ps with my humble request that you will be pleas'd to lay it before her Maj'ty, and that I may receive her Maj't's Commands thereupon for pardoning the Crime, or executing the Law on her, she being still confin'd in prison and only repriv'd from time to time untill her Maj't's pleasure be known.

June 2nd, 1713.

To Mr. Biathwayt:

SIR:

I shall now endeavour to discharge the promise I made you in my Letter by Mr. John Robinson, by giving you an acc't of the Steps made Since my Arrival here towards advancing her Maj't's revenues, both of the Quit-rents and of That established for the support of Government. As to the first, the practice of Survey'g of land in allowing of very large measure, is so Ancient that people began to look upon it as their privilege not be to confin'd to any exactness in the quantity of the the Lands. And tho' a greater quantity fell within the Bounds of their patent than was express'd therein, the patentees never thought themselves obliged to ye Paym't of the Quit-rents for those surplus acres. To remedy this by ye Act pass'd in 1710, (of which I sent you the Copy,) liberty is granted to any person, upon discovering of such surplus Land, to take it up unless ye first Patentee will do it himself within a Twelve Mo. after Notice. Another Custom had for a long time prevailed, that where there was no distress to be found upon the Land, the patentee never troubled himself to pay any Quit-rents at all, nor did the Sherifs reckon themselves accountable for those Lands, there being no Law in the Country to authorize their distraining on other Lands, nor to oblige the Patentee to discharge his Arrears. This inconveniency is also remedy'd by the aforementioned Law which Enacts that where the Quit-rents shall be at any time in arrear for the space of three years, the Land shall be forfeited and revert again to the Crown. As by these Clauses in the Law the Owners of Land are Sufficiently discourag'd from concealments, So by late Order of the Council, another Abuse in the Collecting thereof hath been Obviated; for, as the Sheriffs are oblig'd to Employ under Officers to Collect the Quit-rents where they cannot do it themselves, And these under Officers being under no Oath to rend'r a just account, often converted part of what they rec'd to their own use, Directions are now given that those under Officers shall likewise be under Oath, as well to inquire into the just quantity of Land within their respective precincts as to render a true acc't of what they receive, And no

Sheriff's Acc'ts are to be pass'd by the Auditor without a Testimonial of such Oath made by their under Officers. The good Effects of these Regulations is already discover'd in the Increase of the rent rolls, but it is not to be expected that the Annual Acc't of that revenue should advance proportionably while the price of Tobacco continues so low, yet there is no doubt a few y'rs peace will make these advantages clear and conspicuous.

As to the revenue establish'd for the support of the Governm't, something has been done too for the increase of that; The Rivers of Potomack and Pocomoke being the boundarys between Virg'a and Mary Land, the Masters of Ships trading there, generally take tobacco out of both Governm'ts, but the Mary Land Officers requiring no more Tonage for the Ships riding in that Governm't, than in Proportion to the quantity of Tobacco they take on board there, the Officers of Virginia th'king themselves only oblig'd to require the Tonage of the Ships entering and riding in their Districts; The Masters of Ships have for several Y'rs past found their acc't in entering in Maryland and thereby paying no Tonage for the Tobacco they brought from Virginia, which not only prov'd a Diminution of ye Revenue, but a discouragem't to the Trade of this Colony. To remedy this I have given directions to the Officers in those Districts, that when Tobacco shall be carry'd from Virg'a in ord'r to be put on board any Ships riding in Mary-Land, the Sloops and other Vessels imploy'd therein shall be measur'd, and pay Tonage according to their burden. This certainly is within the meaning of the Law, tho' not so clearly express'd as it might have been, and by this means a pretty Consid'ble Addition will be made to the Revenue. And the Masters of Ships will find it as much their interest to enter in the Ports of Virg'a as in those of Mary-Land. That part of the revenue also which arises by the sale of rights for Land will be very much advanc'd by some regulations I have made in relation to the rights allow'd for the importation of persons into the Country; The abuses therein were grown to that height that instead of fifty acres allow'd by the Charter for every P'son coming to dwell here, many times no less than five hundred acres have been claim'd and taken up, by allowing not only the Masters of Ships importing Serv's, the Merch't to whom they belong'd, the P'sons that bought them, and the imported persons

themselves, to prove one and the same Right, but also by the Fraud of the County Court Clerks in making out divers Certificates for one importation. These abuses will now be prevented by the measures that are taken to allow no Certificates that are of an old Date, nor no Rights for importation since 1706, except to the persons imported, and by appointing the form of the Oath which shall be taken in order to obtain such Certificate of rights, and the registering them every half Y'r in the Secretary's Office, And because P'sons imported into the Northern Neck are allowed by the Proprietors no Land for their importation, And therefore it hath been a Custom to prove their Rights and assign them over for taking up Land in that part of the Colony held of her Majesty. I have put a stop to that Traffique by disallowing all Rights for p'sons imported into that part of the Governm't, it being unreasonable, in my opinion, that persons who employ themselves solely in improving the Land of the Proprietors should be entitled to receive a benefit out of her Majesty's Land.

There are several other improvem'ts which might be made, both in the Quit-rents and the other Revenues, but as the concurrence of the People will be necessary therein, it is at present unreasonable to offer at them while the Country is so much distress'd by the Low price of their only Commodity. And therefore I shall forbear to mention them to you untill better times encourage me to put them in Practice.

June 10th, 1713.

To Josiah Burchett,¹² Esqr:

SIR:

By the return of Capt. Smith, of her Maj't's Ship Enterprize, I take the opportunity to send the Stores of War that were sav'd out of her Maj't's late Ship ye Garland.¹³ According to the Acc't inclos'd, w'ch contains likewise the par-

¹² Secretary to the Lords Commissioners of the Admiralty.

¹³ Captain Cook.

ticular Deliverys made for the Service of divers of her Maj't's Ships of War attending here, what hath been dispos'd of in ye Country, and what remains to be accounted for by Mr. Luke, to whose care these Stores were committed.

Out of the money arising by the sale of part of these Stores, I have paid £21 to some of the persons claiming salvage, who were necessitous and consequently most Clamorous, finding themselves disappointed of the great rewards promis'd them by Capt. Cook, before they rec'd the money, prov'd their Services by their Oaths. This manner of proof I take to be the only voucher that can be obtain'd here, at least I must confess my Self at a loss what other Vouchers they are w'ch you expect, for as 'tis certain that all the stores sav'd, (of w'ch you had formerly the acc't,) were entirely owing to the care and labour of the Country people, and that none of the Sailors would give the least Assistance therein; Tho' the Lords of the Adm'lty or Comiss'rs of the Navy are best able to judge upon consideration of the value of those Stores, and what Salvage ought to be allow'd, and whatever shall be determin'd to be due, according to the rules in such cases, I will undertake to have it justly proportion'd among the Claimers, according to their respective Services, as soon as I shall receive directions for that purpose. You will observe in the Act herewith sent, that 790 lbs. of old Iron was taken up for the Country's Service, and paid for by ye Assembly In Tobacco rated at 6s. a hund'd, tho' this be more than the Tobacco can be sold at, yet the People are willing to take it at that price, in part of satisfaction for their Salvage, and it will be most profitable to apply it to that use. Besides the Stores mention'd in the enclos'd Acc't, there was deliver'd to Capt. Smith at his first arrival in this Colony, sundry particulars w'th w'ch he has charg'd himself for the repair of the Enterprize. These Stores were carried over Land from North Carolina, the charge of w'ch Transportation is contain'd in an Acc't herewith also sent. It hath been examin'd by ye Auditor of her Maj't's Revenues here and allow'd in Council, and I hope is properly Vouch'd so as to enduce the L'ds of the Admiralty to allow the paym't thereof. And as Capt. Smith promises to lay before the proper Officers ye particulars of those Stores, I doubt not the same directions will be given for paying the Salvage due for them.

June 10th, 1713.

To ye E'le of Dartmouth:

MY LORD :

The occasion of troubling y'r Lord'p at present, is only to cover the enclos'd Journals of Council, for having lately writ to y'r Lord'p what I judg'd necessary for your information, and the Country since continuing undisturb'd by their Indian Enemys from abroad, and in perfect Tranquility in other respects, I have nothing new to offer, And shall only beg Leave to remind y'r Lord'p of my former request: That you will be pleas'd to move her Maj'ty to grant me liberty for pardoning one Jane Ham, condemn'd here for concealing ye Death of her bastard Child.

I hope y'r Lord'p will excuse the importunity in behalf of a poor unfortunate Creature, and allow me the hon'r of subscribing myself, with great truth and respect,

My Lord, &c.

June 2d, 1713.

To the L'ds, Comm'rs of Trade:

MY LORDS:

Since my last dispatch to y'r Lord'ps of the 11th of Feb., I have had little to add to the trouble I gave you relating to the affairs of y's Colony, and I doubt not y'r Lord'ps will receive, with as much satisfaction as it is to me to write, the happier prospect of Affairs in the neighbouring Province of No. Carolina. The forces sent thither this Winter from So. Carolina, under the Comand of Colo. Moore, have obtained considerable advantage over the Tuscaruros, by the taking the only important Fort they had, and in it and other Rencounters, killed and made prisoners upwards of a thousand of that nation. This blow having extensively frighted them, it was necessary to improve it by engaging them in a Peace, since the Governm't of Carolina is utterly unable to reduce them by prosecuting the War, and by the information I have receiv'd from the Presid't of

y't Country of their disposition to fall into those measures I advis'd for establishing a peace, I have reason to hope it is now very near, if not altogether conclud'd, the Projects whereof your Lord'ps will find in the Council Journal of the 16th of April herewith sent. The making a peace with those Indians was the more necessary in regard of some late discoverys, that they have been all along assisted in the War by the Senecas and others of the five Nations under the Governm't of New York, for while the Carolina Forces were beseiging the Tuscaruro Fort, a consid'ble body of Northern Indians came into the Tuscaruro Country, and would have perswaded the Newtral Towns to joyne with them in raising that Seige, and the same body of Indians meeting with our Traders, as they were going with their Cargo of goods, of the value of £1,000 lbs. and upwards, to traffique with the Western Indians, fell upon them and plundered them of all they had, and at ye same time did not disown their being Mohacks and other Northern Indians, which the Traders likewise very well know to be true, and was further confirm'd by some of our Tributary Indians, who going out upon the news of the Robbery, mett with and killed several of them. This brought the rest down on our Frontiers, and oblig'd me to Command out all our rangers in search of them, but they were retired ere our men come up with them, and escap'd with their Booty. Your Lord'ps may observe in the Council Journal of ye 10th of June last, that ye Council were then unanimously of opinion that the Court of Oyer and Terminer, appointed by her Maj't's Instructions, ought constantly to be held, whether there was any Criminal likely to be try'd or not, but now, upon further consideration, they are as unanimous in the Contrary opinion, that unless there are Criminals to be try'd, the holding that Court is unnecessary. They have likewise all joyn'd to represent to me that the Judges of the Court, (whenever it is held,) ought to consist only of the Council. This was occasion'd by my Joyning the Speaker, and two others of the most Eminent Members of ye House of Burgesses in Commission with the last Decem'r Court, when I expected a man to be try'd for his Life, and at a time that I could not reasonably depend on any more than four of the Council to sit upon that Tryal. Howev'r, here is no dispute between us, they being now come over to my opinion of calling the Courts, and I acquiescing in theirs as to the appoynt-

ment of the Judges, yet still I cannot give up my Judgment withal upon this last point unless I find y'r Lord'ps concur with these Gent'n in their Sentiments, which are, that since the Gen'l Court has hitherto been the only stated Court of Judicature in this Colony, which hath had Cognizance of life and Member, the Council, who are Constituted the Judges thereof, look upon that same Jurisdiction to be confin'd to them, and cannot submit to share it with other persons; that some Govern'rs might make a very dangerous use of this precedent, and bring thereby men's Lives and libertys under less security than their Estates; That the Gentlemen of England are never added to the Judges in Commissions of Oyer and Terminer, but in their Circuits; and that it is done, because in those progresses there is but one Judge to sit on the Pleas of the Crown; and lastly, that such affairs should proceed in the usual method, except where unusual Accidents shall require an extraordinary exertion of the royal Power. This, my Lords, is faithfully the Sum of their Arguments, and if it shall be judg'd that there is no need of a Governor's giving now and then an instance to undeceive people here, and manifest the Prerogative of the Crown, and particularly in this point to convince some that the Gen'l Court Law pass'd here in 1705 has not establish'd the Council to be the only Judges of Life and Death that her Majesty may appoint; or, if after all, y'r Lord'ps shall determine that the Members of the Council, and no others, ought to be the Comm'rs of those Courts of Oyer and Terminer, which her Majesty orders me to constitute, I shall then most willingly continue to appoint them solely, according as I have already promis'd them, shall, for the future, be done, till I am otherwise Commanded. The Commiss'rs and other Officers appointed for settling the Boundaries between this Colony and No. Carolina finding a stop put to their proceedings by the Proprietors failing to nominate Commiss'rs to joyn with them, have now made Application for an allowance for their past trouble.¹⁶ That matter has been examin'd in

¹⁶ The Commissioners on the part of Virginia, appointed April 18, 1710, were Philip Ludwell, of James City county, and Nathaniel Harrison, of Surry county. They entered upon their duties July 18th, North Carolina being represented by John Lawson, the historian, and Edward Moseley. There were several conferences by adjournment, at which points were visited, and depositions of Indians and old residents taken as to boundaries accepted in the past. The

Council, and their trouble and expense being fully made to appear, The Council have desir'd me to represent their case to her Maj'ty, and that an allowance of £250, according to the proportion mention'd in the Council Journal of the 30th of April, page 13th, may be paid out of her Maj't's Revenue of Quitt-rents, the service for which they were imploy'd being intended for the increase of that revenue, and it's very true that had their Endeav'rs taken Effect, or whenever it happens that the Boundarys are settled, her Maj'ty will gain such a large Tract of Land as will in a short time fully recompence all the charge that may be expended therein. Upon which consideration I beg Leave to request your Lordships' favourable Representation of their case to her Majesty. There being no affairs of consequence requiring an imediate meeting of the Assembly, it is now prorogued till the first of July, and I intend a further prorogation to the Fall, by w'ch time I shall know whether the expected peace w'th Carolina is likely to put a stop to the frequent murders committed on our Frontiers. But if it should prove otherwise, I shall then stand very much in need of y'r Lord'ps' Advise for my Conduct in so difficult a Task, since, in the Present general poverty of the Country, there seems little expectation that an Assembly will contribute any effectual Succours towards the Frontiers, and as little hopes can be built on either of ye Revenues of 2s. $\frac{3}{4}$ hhd. or q't-rents, the one being unable to discharge a third part of this last Year's Salarys, and the other drawn away into her Maj't's Exchequer as fast as it arises here.

Tho' the Country at present is very quiet, and the people generally easy and satisfied, yet I should be wanting in my duty to her Majesty if I did not represent that the Tobacco trade is

Virginia Commissioners rendered a journal of their proceedings to the Governor in October. The Dividing Line was finally run in 1728, when the Commissioners for Virginia were William Byrd, Richard Fitz-William, and William Dandridge, and those for Carolina, Christopher Gale, John Lovewick, Edward Moseley, and William Little. The surveyors were Alexander Irvin and William Mayo in behalf of Virginia, and Edward Moseley and Samuel Swann, of North Carolina. The Rev. Peter Fontaine accompanied the Commission as Chaplain. See "History of the Dividing Line," by Wm. Byrd, *Westover MSS.*, 2 vols., small 4to, 1866, Wynne's "Historical Documents from the Old Dominion," Numbers ii, iii.

now brought to that low Ebb, that the planter who depends entirely upon it is not able to Cloath his Family, and I cannot forbear expressing my fear of their soon falling into Manufactures of their own if this Trade be not speedily help'd with some care in the Dutys laid thereon, or elce with some new Regulation.

P. S.—June 10th, 1713.—The man of war, by which this is intended, being delay'd here longer than I expected, has given me the opportunity of meeting of ye Council at a Court of Oyer and Terminer held yesterday for the Tryal of a Criminal; the proceedings of y's Council being chiefly ye prorogation of ye Assembly to ye 5th of Novemb'r next, and the passing ye Acc't of the Revenue of 2s. 3^p hhd., the proclamation for the form'r, and a Copy of the latter, are herewith transmitted to y'r Lordships.

June 11th, 1713.

To Colo. Blakiston :

S'R:

I writt to You about 2 Months ago about the discovery of another mine in which I am concern'd, and have little now to add, except that all ye Gent. concern'd with me, depend very much on y'r prudent management of this affair, wherein you will please take the advise of my Lord Orkney to whom I have writt about it. As to what expences you shall be at, you may be assur'd they shall be reimburs'd, and whatever you find it necessary to engage for, in order to the obtaining a Grant in our Fav'r', faithfully perform'd, tho' if, (as you write,) it be so difficult to get it any otherwise than in general as a favour to ye Country, The Charge will be but small, and must be defray'd at the public Expences; yet even in that case, I would have you push it on as speedily as possible, because we cannot proceed till we know what we have to Trust to.

June 30th, 1713.

To the L'ds Com'rs of Trade :

MY LORDS :

Having done myself the Hon'r in a late letter, (of which the enclos'd is a Duplicate,) to convey to Y'r Lord'ps ye public Transactions of y's Governm't, I now beg leave to trouble Y'r Lo'ps with an affair of a private nature, as it relates only to myself and ye Succeeding Govern'rs of this Colony.

There has been, time out of mind, annex'd to y'e Place of Gov'r a tract of Land lying near James Town, part whereof leas'd out into Tenements, and p't still remaining waste, which, while the seat of Governm't continued there, was very convenient for supplying the Govern'rs with fire woods, also with pasturage for their horses whenever they thought fitt to make use thereof; but since ye removal of ye Govern'r's residence to Williamsburgh, these advantages are entirely lost and they must now be oblig'd to buy all their firing, which is a considerable Article in ye Charge of house keeping. To remove this inconveniency, I have been treating with Colo. Philip Ludwell, one of her Maj't's Council, for about forty acres of Woodland which he has near Wm'sburgh, And find him willing to exchange it for an Equivalent out of that part of ye Govern'r's Tracts which joyns in his Grounds, Provided it be confirm'd to him by patent. Tho' this Land of the Govern'r's being at first appropriated to that use by the Company, has ever since remain'd as a Tract whereof the Crown hath hitherto permitted the Govern'rs to receive the profitts, yet I don't find that ever it was confirmed by any patent on other Grant, and consequently might be construed to be in my power to dispose of as of other unpatented Lands, by Virtue of the general Clause in my Commission, nevertheless, herein to alienate any part of w't has been so long accounted the R't of the Govern'r, without her Majesty's approbation, and without securing a Just equivalent to my Successors in lieu thereof.

Therefore, I humbly request your Lord'ps will be pleas'd to move her Maj'ty for her License to make the Exchange; or if y'r Lordships be of opinion that it is unnecessary to trouble her Maj'ty in this Case, I humbly pray you will be pleased to signify

y'r approbation of my proceedings herein, in such a man'r as may appear here upon Record, either of which will be sufficient for my Justification, and will satisfy Colo. Ludwell that what shall be convey'd to him shall not be question'd by succeeding Govern'rs ; And it shall be my care to make such a bargain as they shall have no just cause to find fault with it, Since what I propos'd to part with in this Exchange is not leas'd out, nor yields any profite to the Govern'r ; and besides by this means the bounds of that Tract of Land will be ascertain'd, And I can then leave for my Successors an exact Plott and Survey thereof, (which is now nowhere to be found,) and thereby prevent such Encroachments for the future as I am well assur'd have been heretofore made thereon, very much to its prejudice by the adjoining Patentees.

June 30th, 1713.

To the Earle of Dartmouth:

MY LORD:

The late troubles I have given y'r Lord'p would make this inexcusable if my Solicitations would prove so where the Life of a person is concern'd. Upon further examination into the case of Jane Ham, condemn'd here last Gen'l Court for concealing the Death of her Bastard Child, I find she has a more reasonable excuse to plead for her ignorance of that Law, which makes the concealment penal, than I at first imagin'd, for notwithstanding that Act is by an express Clause therein appointed, to be read yearly in all Churches, I find it never was publish'd in any Church in that County wherein she liv'd. So that considering this Circumstance, with others that appear'd upon her Tryal, I hope her Maj'ty will be more induc'd to grant her a Pardon, or rather to signify to me her pleasure for passing such pardon here under the seal of the Colony, since the Woman, (being only a poor servant,) has neither friends to Sollicit, nor money to pay for obtaining one in England.

VIRGINIA, July 21st, 1713.

To the Earle of Oxford:

MY LORD:

In pursuance of her Maj't's Commands, transmitted me by y'r Lord'p, I have directed her Maj't's receiv'r Gen'l to remit to his Correspondent the ball. of the last year's Acc't of q't-rents, amounting to £880 7. 5½, and he has accordingly by this Conveyance sent bills of Exchange for that Sum, with orders for paying it unto the receipt of her Maj't's Exchequer. I hope the first remittance made in feb. last is already paid, and shall for the future take the like care that remittances be constantly made as the q't-rents arise, untill the £3,000 requir'd be fully answer'd, being desirous of nothing more than to testify my Obedience to her Maj't's Commands, and ye profound respect w'th w'ch I am,

August 17th, 1713.

To the L'ds Com'rs of Trade:

MY LORDS:

In pursuance of the Comm'ds I had the hon'r to receive from y'r Lord'ps of ye 8th of May, I have appointed the 10th of next Month for ye solemn publication of the peace throughout this Colony, and for a Gen'l Thanksgiving for the same, I have also presum'd, in conjunction with the Council, to address Her Maj'ty on this happy occasion, (a Copy of which I here enclose,) and have desir'd Colo. Blakiston, our Agent, to wait on your Lord'ps for y'r directions in the man'r of presenting it to her Majesty.

Yo'r Lo'ps will observe that there are but six of ye Council subscribing y't Address, occasioned by the absence of Colo. Jennings and Colo. Ludwell in England, and the remoteness of two others of that Board, who rarely attend except at Gen'l Courts and Assembly. The small number to which the Council

is now reduc'd will, I hope, prevail with y'r L'dps to move her Maj'ty to fill up ye two vacancys, by restoring Colo. Bassett to his former Rank at that Board, (which hath hitherto impeded his acting in that Station,) and by adding Mr. Wm. Cocke, according to my former Recommendation.

In a letter to y'r Lord'ps of the 6th of March, 1710, Soon after I had put in execution her Maj't's Instructions concerning the granting of Land, I took the liberty to represent to y'r L'dps the Case of those who had taken up and Survey'd land upon the death of Gov. Nott, upon the faith of the acts of Assembly and the constant practice then in force, and before the alteration of ye conditions of Cultivation had been publickly notified, whose patents were stop'd upon a subsequent Order. The pretensions of those persons being, by that proclamation, reserved to them untill her Maj'ty should signify her pleasure upon what Terms their Lands should be granted. I beg leave to renew my applications to y'r Lo'ps in their behalf, not only in regard great part of such lands remain uncultivated for the benefit of the claimers, but more especially that ye Q't-rents thereof are lost to her Maj'ty untill patents are granted. I shall not repeat what I formerly represented to y'r Lo'ps, of the Equity they had to Claim Grants, according to ye Acts of Assembly then in force, but as I inform'd y'r Lord'ps that even at that time neither the Claimers nor ye quantity of Land claim'd under that Circumstance were considerable, so I now assure y'r Lord'ps both are much lessen'd since divers patents having been taken out for the same Lands on the new Terms; And, therefore, I must again, with all due submission, offer my opinion that ye few y't remain be satisfied with patents upon ye old terms of Seating and planting.

This fav'r, if granted, will, without much prejudice to her Majesty's intentions, be a great means to quiet the people in relation to the new Tenure introduc'd by the late Instructions And prevent that Clamour and uneasiness w'ch the people are apt to fall into from the reflection on private disappointments without considering the public benefit of the Country extended thereby of which they have but a remote and imperfect View.

VIRG'A, August 17th, 1713.

To Colo. Blakiston :

DR. SR:

Notwithstanding you complain in y'r Letter of the 16th of Ap'l, which I receiv'd the 6th Instant, that it is an age since you heard from me, I flatter myself you have ere now rec'd divers of mine writt this Summer.

I now trouble you with a Short address from my Self and the Council, to ye Queen, on the Conclusion of the peace, concerning which I have writt to ye board of Trade, and I desire you will concert with their Lordships and my Lord Orkney, ye proper Time and man'r of presenting it. As short as it is, you will observe a hint of the unhappy State of this Country through the decay of the price of Tobacco. This will shortly be follow'd by a more full representation of the pressures they labour under in respect of their Trade. The method I have propos'd therein is that the Council shall represent these matters to me, in order to be transmitted to ye Council of Trade, back'd with my argum'ts and observations, and by them to be presented to her Maj'ty or the Parliam't as they shall judge most proper for obtaining Redress. This will be prepar'd at the Council which is appointed to be held here on the 10th of next month for proclaiming the peace, and might have been done at the last meeting had the Gent. of the Council been as warm therein as they were to be at their own homes.

I have formerly advized you that I am embarked in a new project about ye mines, of which there appears better hopes than the former, And therefore must request you that if any resolution be taken by the Queen and Council in relation thereto, that may be to any purpose, that you will not let it ly neglected for want of paying ye necessary fees to the Clerks, which shall either be repaid you Out of the public revenue of the Colony, if it be a gen'l Benefit, or by the persons engag'd in the Design, if it be Only a private Order.

September 14th, 1713.

To ye Earle of Dartmouth :

MY LORD:

The Alarms on the Frontiers of this Colony have been very much increas'd since the So. Carolina Indians [were] dispers'd by the Tuscaruros; these having settled themselves on the heads of our Rivers, and being, (as is Generally believ'd,) joyn'd by some of the Northern Nations, make frequent incursions, and have committed divers murders on our Inhab'ts. I have order'd out several partys in search of them, but to no purpose, the people being unwilling to march from their homes, and not one Officer to be found in the whole Colony that have been in any employment or Action in an Army, upon whose Conduct or Experience they might rely in case of meeting an Enemy. So that I am now oblig'd to undertake an Expedition in person with an intention either to force these Indians to a Peace or drive them to some further distance from our Frontiers. In which last point of declaring War, the Council have given me their unanimous opinion and consent. But neither the disposition nor Circumstances of the Country are capable of great efforts, Whereof I intend only to take with me 200 Voluntiers out of those Countys that are most apprehensive of the danger, (for the people in the remotest parts are very little inclin'd to adventure themselves,) this, with the Assistance of our own Tributary Indians, I hope will be sufficient; And for the pay, I have, with the unanimous Concurrence of the Council, resolv'd to defray it out ye £1,000 given by the Assembly for the Assistance of North Carolina, which has not hitherto been made Use of, because that Governm't would never yet agree upon any reasonable or feasible Terms to employ it in conjunction with this. I hope in a short time to have the honour to give your Lord'p an account of the success of the project, and am, with great respect,

My Lord, &c.

VIRGINIA, September 14, 1713.

To the Lords Commiss'rs of Trade :

MY LORDS:

It is chiefly to accompany the enclos'd representation from the Body of the Council of this Colony, that I do myself the hon'r of writing to y'r Lord'ps at present; the declining Circumstances of this Country for some years past, occasioned by the low value of their Tobacco would have prevail'd both with the Council and Assembly to make Representations of this nature long ago, had they not been diverted from it by perswading them to wait 'till the War should be ended, but the late advices they rec'd from their Correspondents that the Merch'ts in this Trade had, with her Maj't's leave, applyed to ye Parliam't for a moderation of the high dutys, have prompted the Council to the resolution no longer to delay setting forth to y'r Lord'ps the miserys to which the Countrey is reduc'd, and as I hope there is nothing in that Representation undutifull to her Maj'ty or disagreeable to y'r Lord'ps, So I hope you will not judge it either impertinent or improper for me, (if being so earnestly solicited, as y'r Lord'ps will Observe by the Copy of the inclos'd Adress), I recommend this matter to your Lo'ps' fav'r, as well in regard I am perfectly convinc'd of the truth of many of the matters of Fact represented as in consideration of the prejudice as will arrise to her Maj't's Service and the Trade of G't Britain, if the people of this Country, compelled by necessity, should abandon ye Tobacco trade and apply themselves to other Manufactures. This is what my duty obliges me to inform y'r Lo'ps, as I have had the hon'r to do on some former occasions, and as I am fully P'swaded my Self so, I have endeavour'd to satisfy the people here that y'r Lord'ps will do whatever you can in prudence and Reason for their Relief.

Finding that several persons have kept possession of Lands by Virtue of Entrys and Surveys, without taking up patents or paying the q't rents, and that by the Practice of this Country such Entrys are construed to give a Title so as to exclude any other p'son from taking up the same Land, and Observing also that divers Tracts of Land fallen to her Majesty by right of

Escheat, are possess'd without taking out patents or paying ye Composition due for the same, I have, with the Advice of the Council, issued a proclamation requiring both those that hold new Land and those who possess Escheated Land, to sue out Grants within a short time, limited, or otherwise that their Lands shall be dispos'd of to others. This has had so good an effect that above a hundred patents for new taken up Land have been bespoke within this Month, since the Proclamation was issued, and people who possess'd Escheated Lands for many Years without a Title have also applyed themselves for Grants. In the same proclamation I have enjoyn'd all P'sons desiring Grants of Escheated Lands to Survey the same before they obtain Patents, against w'ch regulation divers applications have been made to me under pretence of the Charge of Surveying, but considering that the true reason of this objection doth not proceed from y't Charge (which is inconsiderable), but from the restraint on fraudulent practices, I shall not give way thereto; For by the former method of passing any Escheated Lands, the Grants were not made according to the true quantity, but according to w't the Pet'r thought fitt to suggest, and people finding how easily they could defraud the Crown with a double advantage to themselves, both in the paym't of the Composition of the Q't rents, have made use of that Licence with great freedom, and thereby obtain'd much larger Quantitys of land than are express'd in their Grants, w'ch cannot now be remedyed because tho' the true quantity hath been conceal'd, the Grant is made for all the form'r patentee held within his ancient bounds. Having on former occasions, and more particularly in my last Letter, represented to y'r Lord'ps the case of those people who enter'd for and Survey'd Lands before the Death of Govern'r Nott, with my humble opinion that Grants of such Lands be allowed according to the Acts of Assembly then in force, I shall only beg leave to explain myself that I did not intend thereby the conditions of seating and planting mention'd in ye Act passed in 1666, but that in the year 1705, except only where the Entrys were made before the passing of this last Act, which are not above two or three. Your Lord'ps will be pleas'd to consider that however the Gov'r might be mistaken in passing that last Law, yet by the Constitution of this Governm't it remain'd a Law to ye Subject untill it was formerly repeal'd, and how

much Clamour it will occasion among the people, if that to which they conceive they have a right by a positive Law should be deny'd them, besides the difficulty in which the Govern'r must be involv'd (if any case under this Circumstance should come before the Gen'l Court) in giving his Judgm't between an Instruction and a Law, wherein tho' his own reason may incline him for the form'r, yet every Member having an equal Vote, their Oaths (being Judge according to Law) will carry the Judgement for the latter.

Since the So. Carolina Indians dispers'd the Tuscaruros these have settled themselves near our Frontiers and it is believ'd are joyned by some of the Northern Nations, from whence frequent incursions have been made and divers murders lately committed, which hath exceedingly alarm'd the people and induced sundry of the Owners of remote plantations to withdraw their Familys and Stocks; for preventing of w'ch, besides that I formerly mention'd to y'r Lord'ps, I have ordered out divers partys in search of those Indians, but without any Effect, occasion'd partly by the unwillingness of the people to march from their homes, but principally from the inexperience and want of conduct in the Officers, of w'ch there is not one in this Colony that ever hath been in any employment or action in the Army, So that I am oblig'd now to undertake an Expedition in Person, and intend to take with me 200 Volluntiers out of the Militia of the Countys most apprehensive of the danger, (and for those that are far enough from it are little inclined to adventure themselves,) and with this Force and our Tributary Indians, either endeavour to bring the Indians to a secure Peace or to drive them further from our Frontiers. I hope the encouragem't of 12d. a day pay, together with provisions and amunition and the conveniency of Tents, which I have already provided, and with the concurrence of ye Councill, resolv'd to defray out of the £1,000 given by the Assembly for the relief of Carolina, will obtain the small number of men I desire, especially when joyned with the advantage of taking Prisoners, and in case I'm oblig'd to declare war, w'ch the Council has Unanimously advis'd me to do, if the Indians refuse to submit to a Peace. In my Letter of ye 15th of Decem'r, 1710, I gave y'r Lord'ps a large acc't of ye inconveniencys which the people here Labour under by the unequal division of their Countys and parishes, and the difficulty of

remedying the same by the Assemblys, with the doubt I had whether that matter were proper for their cognizance, tho' it is a power they have constantly exercis'd; upon which I should be glad to receive some directions, for as these inconveniencys are still increasing, and that I perceive the people will be contented from what Authority soever their Redress comes, so I am far from seeking to increase the power of the Govern'r, unless it shall be thought more agreeable to her Maj'ty's service that the •distribution of the people into Countys and parishes be made by him rather than by Act of Assembly, and tho' by perusing the Records of this country I am the more perswaded that many things have heretofore been permitted to be treated in the Assemblys which would not have been allow'd of in England; and that this regulation of countys and parishes may be made with less partiality by the Govern'r, yet I am unwilling to introduce an innovation from the ancient practice without her Maj't's particular directions, or y'r Lordships' approbation. The Death of several of ye Council and the absence of others having reduc'd ye Number under nine, and some even of these infirm and unable to attend, I have been oblig'd to make use of the power granted me by her Majesty's Instructions to fill up the Vacancy by calling to that board Dr. Wm. Cocke, the Secretary of the Colony, whom I recommended to y'r Lord'ps sometime ago, and hope through y'r Lord'ps' mediation he will soon be confirm'd by her Majesty in that Station. The difficulty of getting together on a sudden emergency a Suffic't number of ye present Council, because of the remoteness of their dwellings and the little choice their is of persons fitt to be added, makes me the more earnest for the admission of Colo. Bassett in his former rank at that Board, which hath hitherto hinder'd his being sworne. There is many instances where the like favour hath been granted to others, some of w'ch I mention'd in my Lett'r of ye 8th May, 1712, and shall now add one only, to-witt, the Case of Collo. Richard Lee, w'ch differs only from this that he quitted at the revolution upon a scruple of taking the Oaths, and Colo. Bassett declin'd because he was apprehensive his health would not permitt him to attend that Service. Yet when the former had overcome his Scruples, he was addmitted again in his first Station. And since Colo. Bassett has always shew'd himself well affected to the Governm't, and is a Gent. of as fine a

Character and of as plentiful an Estate as any in this Country, I hope y'r Lord'ps will judge him Worthy of the same fav'r as others have had, especially when his ent'ring again into Public business is occasion'd more through my importunity in regard of ye want of persons of his Character to serve her Majesty than any ambition of his own, tho' I cannot press him to Submitt to an inferior Rank than what he hath formerly held.

VIRGINIA, September 14, 1713.

To Colo. Blakiston :

S'R:

At ye same time I hand to you the inclos'd Letter to ye L'ds of Trade, wherein is contain'd the representation of the Council, (of which you have a Copy in their Letter,) I think it is necessary to send you a Copy of what I have writt to their Ld'ps on ye same head, that you may know the part I take in that affair. Y'r own knowledge of these Plantations and ye Assistance you may receive from ye Gent. of ye Council, now with you, you will be able to forme proper Arguments for enforcing what is represented from home with't my Troubling you with any thing further than my hearty wishes for your good Success herein and the Assurance of my being with great Truth.

October 21st, 1713.

To Colo. Blakiston :

S'R:

It is now above Two Years ago I prevail'd w'th Colo. Bassett to be again of ye Council, and writt to the Lords of Trade to restore him to his former rank, whereupon a Letter was sent in appointing him of the Council, but without giving him that precedence w'ch was due, and without w'ch he refuses (as he has reason) to accept of that office. I have sundry times

since solicited their L'd'ps for a new Warrant, but without any Answ'r, w'ch makes me concern'd to know from what Cause this delay proceeds, for I can imagine none, unless that either their Lo'ps having omitted to recommend him at first, as I desir'd, are now unwilling to own it by making a second application, or elce that some body has done him ill Offices at that Board. Colo. Jenings is the only P'son that I have reason to suspect of underhand practices in this Affair, and you will very much oblige me by enquiring from what Corner the opposition comes, and what pretences can be used for denying this Gent. a fav'r which has been granted to others less deserving, divers of which I have given their L'd'ps some instance, as the inclos'd Copys of my Letters will inform you. But if you find there is no expectation of getting Colo. Bassett restor'd, then I request the fav'r of you to deliver the Letter I have here enclos'd for y'r perusal, at some proper time answerable to its Date, that the Gent. I have there recomended may be appointed of ye Council with as much speed as possible. And Collo. Nicholson's friends may perhaps be offended at my preferring to that Board one w'th whome he had a difference, as I shall ever distinguish men rather by their merit than their party. I have found this Gent. so Zealous and ready on all occasions to serve the Governm't since my Time, I think I ought not to regard any personal misunderstanding between him and one of my Predecessors, and besides, where there is a Gent. of good sence as that is to be had, I should be loath to pass him by, and bring in a dead weight of persons neither of Capacitys nor Circumstances fitt to advise a Gov'r, or draw respect to their Character.

November 16, 1713.

To the L'ds Commiss'rs of Trade:

MY LORDS:

Since it hath not been judged proper to restore Collo. Bassett to his former Rank in ye Council, whereby all hopes of obtaining his Service at that Board is cutt off, I beg

leave to recommend to y^r Lord'ps' fav'r Mr. Nathaniel Harrison,¹⁷ to be added to ye Council as ye fittest person to supply the present Vacancy made by the Death of his father. This Gent. is, (as far as I have been able to observe,) a person of Loyal and honest principles, of good sence and of a plentiful Estate, w^{ch} are qualifications not to be neglected in a Country where such do not often concurr in one person, and as the many late occasions of drawing together the Militia for opposing the Indians on ye So. side James river, (where his Estate lyes,) has given me proofs of his Zeal and diligence in the Service of her Maj'ty and the Country, so I don't know one man, except himself, in all that side of the river, fitt to be appointed of the Council, and entrusted, (as ye Council now are throughout the Colony,) with the command of the militia. Wherefore I would not lose the first opportunity of rewarding his merit by recommending him to the mark of her Ma't's fav'r, w^{ch} I hope by your Lordships' mediation will speedily be conferred on him.

Novem'r ye 16, 1713.

To ye Lords Comm'rs of Trade :

MY LORDS:

In my last I had the hon'r to acquaint y^r Lord'ps of an expedition I intended for securing the Frontier Inhabitants of this Colony from ye constant Alarms they were kept under by the Tuscaruro Indians. I then little imagined to meet wth Disappointment where I had reason to expect the greatest readiness. For tho' the people in those Frontier Countyes, upon every Alarm, would generally Clamour for some course to be taken to cutt off ye Indians, yet, after I had made the necessary preparations of Tents and Provisions, and

¹⁷ He was the eldest of a family of eight children, two sons (his younger brother, Benjamin) and six daughters. He was long a member of the Council, and died at an advanced age. He married twice: first, Mary, daughter of "Hon. Cole Digges, Esq'r, President of His Majesty's Council for this Colony," and secondly, Lucy, widow of William Fitzhugh, of "Eagle's Nest," King George county, and daughter of Robert "King" Carter.

gone my Self into those parts to review the Militia in Order to list Voluntiers for this Service, their Warmth was so much abated that I could not engage near the number I propos'd, (which was only 200,) to follow me out. I found [it] then high time to endeavour to accomplish that by a Peace, which the disposition of the people would not enable me to do by a War. To this purpose I sent out a detachment of 50 of our Trib'y Indians under the Command of two of ye Traders, with Orders to find out the Tuscaruros in their retirement, and to sound their Inclinations towards peace. This Detachm't, after ten days' march, found them dispers'd in small partys upon the head of Roanoake, and about the Mountains in very miserable condition, without any habitation or provision of Corne for their Subsistence, but living like wild beasts on what ye Woods afforded, in despair whether to return to their old Settlements in No. Carolina and run the risque of being knock'd in the head by the English and So. Carolina Indians or to submit themselves to ye Senecas, who had made them large offers of Assistance to revenge themselves on the English, upon condition of incorporating with them. Their wants and necessities made the Offers of Peace very acceptable, so that after a short consultation with about 160 of their men that could be got together on the sudden, they agreed to send in two of the Chiefs of their Nation to know upon w't Terms they might again obtain a peace. These Deputys being examined here in Council, seem'd willing to submit to any terms, and desir'd Leave for all their Great men to come and treat w'th me, which I have according granted, and am now in dayly expectation of their Arrival here at W'msburgh, having just receiv'd an acc't of upwards of 1,500 of them (Men, Women and Children) being already come down nearer to our frontier Inhab'ts, both for the sake of Subsistence and to be readier at hand to agree to a Peace. Their number is such that considering our people's disposition to Warlike undertakings, they cannot be accounted a despicable Enemy, not will it be any way advisable to drive them to despair by too hard terms. Our Assembly being now sitting, I shall have the opportunity of taking along with me the concurrence of the representatives of the people, (as I have hitherto had that of the Council), in whatever shall be concluded on. This Session of Assembly has begun w'th the greatest disposition to business that I have yet observ'd. The

first Step they made was to prepare an Adress to her Maj'ty on ye peace, w'ch I have by this Conveyance sent to our Agent, with directions to receive y'r Lordships' Advice as to the man'r of presenting it; and I also here enclose a Copy thereof for your perusal. As to what concerns myself therein, I can, with truth, assure y'r L'd'ps that It proceeded from their own meer motion, without any party Arts, or so much as my knowledge, before it had pass'd both the Council and the Burgesses, and I hope y'r Lord'ps will look on it no other wise than as it is a Testimony of the Union and agreem't between me and the people, w'ch I shall endeav'r to improve for her Maj'ty's Service, besides the securing the Frontiers with settlem'ts of the Tributary Indians, w'ch I have recommended to this Assembly; they have also under Consideration the Amendment of the Tobacco Trade, w'ch owes its ruin in a great measure to the pernicious (tho' ancient) practice of discharging all public debts by Tobacco paym't. This has been the occasion of making all that Trash w'ch hath clog'd the Market and brought this Country Tobacco in discredit abroad, and given opportunity to innumerable Frauds and unjust dealings among the Planters themselves to ye destruction of all Commerce as well as the public Credit. So that it was high time to apply a remedy, w'ch I hope will now be brought about to ye Service of her Majesty and the good of the Colony. I shall, in a short time, be able to give y'r Lord'ps an Acc't of the Success of ye Indian Treaty and of the Event of this Session of Assembly, and shall not now add more than y't I am, with all due respect.

November 16th, 1713.

To Colonel Blakiston:

S'R:

With this you will receive an address to her Majesty from the General Assembly of this Colony, which I am to request ye favour of you to P'sent after having concerted with the Lords Commiss'rs of Trade, (to whom I have mention'd it,) and my Lord Orkney, the proper time for doing it. And if it has been

usual for the Virginia Merchants to accompany such Addresses, it may not be improper to make use of them on this occasion. The Compliment the Assembly has made me in that Address, I can assure you arose entirely from their own Motion, and I was so far from seeking after it, as a late predecessor of mine is said to have done, that I knew nothing of it till it had pass'd both houses, and I hope it will be look'd upon no otherwise than as a Testimony that we are here endeavouring, when her Ma'ty has secur'd us from our forriegn Enemys, to preserve a good Union and agreement among our Selves. The Assembly have now under consideration the rectifying of their Tobacco Trade, and preventing the Exportation of that Trash which has so long ruined ye Market, and there appearing among them a very chearful application to business, I hope by my next to give you a good Account of the Success of this Important Affair.

November ye 16, 1713.

*To the Bishop of London:*¹⁸

MY LORD:

Last Spring I sent your Lord'p a small Collection of Virginia Seeds in a box, recommended to ye care of Mr. Perry, but not having since the hon'r to hear from your Lordship, nor receiv'd any Account from Mr. Perry of the delivery thereof, I'm in some doubt whether in the hurry of his Business they have not been overlook'd. I therefore have now sent another parcel, which will be left for your Lord'p at one Mr. Appletree's, in Ely Court in Holbourn. These are collected by a Gentleman now in this Country, a nephew of Mr. Jekyll's¹⁹ of

¹⁸ John Robinson, D. D., prelate and statesman; born 1650; died 1722; Ambassador to Sweden; represented England as First Plenipotentiary at the Congress of Utrecht in 1712; Lord of the Privy-Seal in 1711; Bishop of Bristol, from which See he was translated to that of London, succeeding Dr. Henry Compton, who died July 7, 1713, in his 81st year.

¹⁹ Presumably Joseph Jekyll, lawyer and statesman; knighted by George I, and made Master of the Rolls; died in 1738, aged seventy-four. The identity of the nephew is of interest. Was he John Clayton, the naturalist?

Castle Haningham, and one very curious in such things. I wish they may prove acceptable, being desirous of nothing more than An opportunity to serve y'r Lordship in this or anything else in my power, and to testify the respect with which I am.

VIRGINIA, December 29, 1713.

To the Lords of the Admiralty:

MY LORDS:

The Death of Capt. Briscow, Commander of her Majesty's Ship Success, gives occasion to my doing my Self the hon'r of writing to y'r Lordships to acquaint you thereof. As ye Gent's distemper lay chiefly in his head, w'ch for some time disabled him to execute the Duty of his Post, and at last took him away too suddenly to leave his Affairs in very good Order, I have the opportunity to observe thereby the prudent behaviour of Mr. Miller Caldewt, Lieut. of that Ship. Your Lord'ps are the proper Judges of the merrits of your Officers; but if the Governors of these plantations might presume to speak in behalf of such whose Conduct falls more immediately under their inspection, your Lord'ps will be pleas'd to give me leave to declare that an Officer of Mr. Caldewt's prudence and diligence would be very acceptable to any one who has the Hon'r to command here. I have lately seen the copy of a petition said to be presented to her Maj'ty by the Merchants in this Trade, and some Inhabitants of this Colony, praying that a small man of War may be ordered to Cruize upon the Coast of Virginia and prevent the mischief and ill consequences that may come by Pyrats to this Province. It is easy to perceive that the petitioners know very little of the disposition of y'r L'd'ps had made before for the Security of this Coast, and as I gave no advice for their application, I am of opinion that the Ship already here is Sufficient, and that there's no occasion to put her Majesty to a further Expence untill it appear that ye Pyrats are more formidable than there's yet any reason to apprehend they are.

December 29, 1713.

To the Lords Comm'rs of Trade:

MY LORDS:

It is with great Satisfaction that I rec'd some days ago, by the way of New York, the hon'r of y'r Lordships' of the 27th August, 1712, Apr. 23d, July 15th, and July 20th, 1713, which give me the pleasure to find my administration approved by y'r Lordships. The Gen'l Assembly of this Colony, w'ch was setting when I wrote last to y'r Lo'ps, broke up the 12th current after having concluded their session in such manner as I hoped for, from the promising beginning they made. Time will not permit me by this conveyance to send the Journals and Laws, But shall therefore confine this Letter to the subject-matter of two Laws pass'd this Session, of w'ch I send y'r Lo'ps the copys enclosed, and are not to take place till twelve Months hence. The act I now send, declaring what shall be accounted a Suffic't seating, planting and cultivation of Lands, and is almost the same with the draught I sent y'r Lo'ps last year, and w'ch y'r Lo'ps was pleas'd to approve as well suited to ye Circumstances of this country.

I shall here mention the several additions to this bill, w'ch I hope will be judg'd equally reasonable. That part of the act which allows two-thirds of all lands heretofore Surveyed to be accounted barren, and one-third only plantable, will touch very few tracts, for as the conditions mention'd in former Laws, upon which all patents issued before my coming hither, were much more easy, this regulation will only extend to those few tracts that have been Survey'd since my proclamation, Wherein the proportion above mention'd may be look'd upon as generally agreeable to the truth of the Case, and if new Surveys had been directed, (without which the quantity of each kind of Land could not be known or inserted in the patent,) it would have only prov'd burthensome to the people, without any Advantage to her Maj'ty, or answering any better the intent of the Instruction. The Indulgence granted by another Clause of this Law to the persons who took up and Survey'd Land before her Maj't's Instructions were publickly notify'd, was absolutely necessary for quieting the minds of those people who thought

their Right and the Constitution of the Governm't invaded by refusing them patents upon the terms of the law in force at the time they made their Surveys, and many perswaded themselves that if it came to be Disputed before a Court of Judicature, those Lands must have been determin'd to be their Rights. But now ye allowing them two years more after the date of their patents for making the Cultivation and improvements requir'd by this Law, has given them all entire Satisfaction, and I'm well assured will prevent all future uneasiness in the Country about the new Terms of granting lands, a benefit which ought to outweigh the small favour granted them by this act. The draining of Marshes and Swamps and sunken grounds is by this act made one kind of improvement, and is like to occasion a considerable benefit to ye Crown as well as to the Subject. Hitherto those kinds of grounds (of which there are here great quantities) hath been neglected and made only a range for the Cattle and hogs of the neighbourhood, no man pretending to patent it or be at the expence of paying Q't rents for the same, but now that the draining thereof is declared to save a proportionable quantity of high lands, people will thereby have the opportunity to discover that such grounds once drained, will become, both for planting and pasturage, the most valuable Land in the Colony, by which means it will come to pass that all that sort of land will be greedily sought after, and in a short time well cultivated and the q't rents duly paid, which now yields no profit, either to the Queen or the Subject. By this act also, persons taking up Land and being unable to comply with the Cultivation requir'd by their Patent, are not, as formerly, to lose their whole Tract, but only so much as they have not made an improvement sufficient to cover. This seems very just, that a man who has done his endeav'r to save his Tract of land by making consid'ble improvements thereon, should not for default of cultivating (perbaps half an acre) less than his complement, forfeit his whole land and all his improvements to any one who should be so malicious to informe against him. So that I hope this part will meet with no objection, especially if y'r Lord'ps will be pleas'd to observe the proviso imediately following and contriv'd so on purpose that all Lands whatsoever are lyable to be forfeited for non paym't of the Q't rents, which seem'd by the former laws to be doubtful and to extend only to Lands there-

after granted. This is the substance of the several alterations in this law, and the grounds upon which the same were founded. It remains that I beg y'r Lo'ps will be pleased to lay the same before her Maj'ty, that I may receive the Signification of her Maj't's pleasure thereupon as soon as may be, because I find people are willing to Delay the taking out Patents till they see the Event of this Law. I gave y'r Lordships an account in my last of some preparatory steps towards ye Act herewith sent, for preventing frauds in the tobacco paym'ts. After the many discouragements which that Trade labour'd under, both here and in G't Britain, It was necessary to enquire from what Root so many Evils did proceed. This has been judg'd to be owing to the ill-management of Tobacco here, many people making it for no other end than to pay off Debts and levies, for which purpose they think it good enough how mean soever it be, and others making such a sort as several of the Out Port Traders in G't Britain most eagerly seek after, (especially of late,) and seeing House Sweepings and the worst of Trash is a sort, too, which they come hither to purchase and that they have been known to pour Salt Water upon such Tobacco so soon as they have gotten it on board, it may be reasonably suspected if what they carry home rather diminishes y'n increases the dutys at the Custom House and serves for no other Use than Vile practices, whereby the Staple Commodity of this Country has been brought into Disesteem and the markets thereof entirely ruin'd in Europe.

This Law, therefore, by obliging all Planters to have their Tobacco view'd by a Sworn Officer in ye manner y'r Lord'ps may see more fully from ye several parts of the Act, has made provision against the exportation of all such Trash as is said to be allow'd by the Cust. Ho. Officers in the Out Ports as damaged Tobacco and thereafter frequently re-exported without the benefit of the Draw-back, and thus it is hoped the reputation of Virginia Tobacco may be retrieved when none but such as is found to be worth paying the duty at home shall be sent to forreign markets. It has likewise very justly provided against the passing bad Tobacco in any manner of payments within this Colony, so that her Maj't's Quit Rents, several Officers' Salaries and all the Public credit will hereafter be rais'd by so much as is ye difference between Trash and good Tobacco; for, as I have before

remark'd, it is the general notion of the Country that ye worst sort is good enough for these purposes. Besides the convenient method that this Act establishes for the making all P'ments by the Agent's notes, which are to pass like Bank-Bills, will give an opportunity to collect the q't rents at a cheaper Rate than hitherto they have been. The main design of the Port-Act, which was recommended to my Predecessor, Govern'r Nott, to endeavour to get pass'd, is, I presume, compass'd by this Act, since that Ships will by means thereof be hereafter loaded in half the time they are now, and that the Collectors and Naval Officers may certainly know to a hogshead the Tobacco that is Shipt home to Great Brittain, and to a Pound that which is exported for the Plantations.

What I have had at heart, and what I have had in a former Session in vain attempted, vizt., to make ye Benefices of the Clergymen valuable and the collecting their Income more just and easy to them, to the end good and able Divines might reckon it worth their while to come over to Supply the Churches here, and that they might not be diverted from their Studys, as several now are, by running up and down their Parishes to gather in their Salary Tobacco—This, I say, is by this Act effectually Obtain'd.

Thereby, I have, in a great measure, I think, clear'd the way for a Gov'r towards carrying any reasonable point in the House of Burgesses, for he will have in his disposal about forty Agencys, which one with another are likely to yield nigh 250 Pounds P. ann. each; these, my intentions are to dispose of among ye most considerable men of the Colony, and principally to gratify with a Place all the members of the Assembly who were for the bill. By this means the staple of Tobacco will have a better Security for its perpetual Establishment and constant Encouragem't than any other Manufacture, and the Propositions of several Countys which frequently used to be presented to ye Ho. of Burgesses for the setting up other Manufactures, will not be so favourably heard in that House when the majority of its Members shall be engag'd by their Interest to advance the making of Tobacco chiefly. Besides in aiming at this Law I had in view (for I must own my Self to be not only principally concern'd in framing the Bill, but even from the begining the Sole Author of the Scheme) to put a check to some dishonest courses in Tobacco paym'ts which by use were grown so habitual and

general that it was to be feared at long run there would scarce be found Men in Virg'a who durst make a Law to prevent those Fraudulent dealings; and I was apprehensive of ill consequences if the Vulgar's Standard of Right and Wrong prevail'd any longer, for there are a set of People whom all the meaner sort of Planters cry up for honest, for Lovers and Patriots of their Country, and for Friends to ye Poor, and this general Character often sets them up for candidates in the Election Field, (where the Votes and humours of the lowest Mob do at present decide who shall be the Representatives in Assembly,) and also recommends them for Tobacco receivers to Merch'ts and Masters of Ships, who come hither to purchase that commodity. But a few Years' Observation has made me perceive y't the Vulgar in these parts reckon him only the Honest Man who inclines to favour their Interest. He is ye lover of this Country who in all Controversies justifies the Virginian, and [in] all Dealings is ready to help him to overreach the Forreigner; He is the Patriot who will not yield to whatever the Governm't proposes, and can remain deaf to all Argum'ts that are used for ye raising of Money, and lastly, him they call a poor man's Friend who always carrys Stilliards to weigh to the needy Planter's advantage, and who never judges his Tobacco to be Trash. Of this set of People there was such a number in ye lower House that it was w'th some Address and great struggle ye Bill was got to pass there, for tho' their Understandings be not above the level of their Electors, and that they could not advance one solid Argument against it, yet they readily discover'd y't this Bill was to cut y'm out of their Popular interest and profitable way of living, and thereupon they oppos'd it most violently with their Nays. Except this last sort of Men with their Defendants, there are scarce any within this Governm't but who rejoyce at this new Law, and y'r Lo'ps may be assur'd y't a very fair Score of benefits is opened to the People here when the whole Council and all the Sencible Members of the lower House unanimously labour'd to carry this Extraordinary point. I cannot foresee that any Objection can be made at home to this Law, unless y't some may possibly say that ye navigation will be lessen'd by not Shipping all ye Tobacco which is made, and that it seems to take of[f] some hands from planting, who may perhaps fall upon the British manufac-

tures. To this I answer, that it plainly appears by the Naval Officers' Books, y't of late years, ever since Trash has been so abundantly exported to ye ruine of the Markets in Europe, ye number of H'h'ds shipt off has been less by some Thousands, for it is well known here y't ye considerable Crop Masters who are able to Cloath their Familys by w't substance they happen to have beforehand in G't Britain, will not drudge on w'th all their hands at Tobacco when it does not yield a living price, but employ them in other services and wait till ye Market rises again; besides, too, the natural consequences of this Act will be that Hogsheads will not exceed the lawful standard, y't they will be less press'd, and that ye Tobacco will be less stemm'd, whereby the number of Tonns must increase. And as to ye rest of the Objection, if it should prove true y't any hands fall of from Planting, 'tis evident enough they must be those of the Careless, idle planter, from whom the British Manufactures are in less danger than from the Careful, Industrious Planter, if he should be necessitated to take some other course to Cloath his Family than by making Tobacco. I have, My Lords, been the more particular in my Observations upon this Act, because it is look'd upon to be the most Extraordinary one that ever pass'd a Virginia Assembly, and such an one as those persons to whom I first communicated my thoughts, and to whom the Temper of these Assemblies are well known, believ'd I could never have compassed. I hope y'r Lord'ps will be so well satisfy'd with the honest Design of it and the advantages which in all probability will arise thereby, that it will meet with y'r Lo'ps' approbation, so that it may be put in Execution according to the time it is to commence.

I shall not now trouble y'r Lord'ps with a detail of the other proceedings of the Assembly untill I can send the Journals with the other Laws and my observations thereon, which I hope to do in a short time, together with the progress of the Treaty with the Tuscaruro Indians, and the new project of securing our Frontiers, which I am in great hopes to accomplish this summer, the Assembly having left it entirely to my Managem't and at ye same time empower'd me to dispose of a considerable Fund, both of money and Tobacco, as I shall think necessary for that Service. They have likewise placed a further confidence in me, by allowing me, without any controul, to finish the Govern'r's Ho., and

by agreeing that without limiting the Sum, ye Charge thereof shall be paid out of the dutys on liquors and slaves.²⁰ But, My Lords, to gain this Trust, I have first given them several proofs of my faithful and thrifty management of their public Funds, and they know that for carrying on the work of the House in the Cheapest manner I am already in disburse the last sum they appropriated, w'ch was £900, and that without any interest, and the Funds being so far anticipated for other urgent occasions y't it will be a considerable time before I can be repaid, or any more money rec'd for finishing this Work. I hope y'r Lord'ps will therefore judge it reasonable that my house rent be continued.

March 9th, 1713.

To the Earle of Dartmouth:

MY LORD:

While I do myself the hon'r to transmit to y'r Lord'p ye Journals of the Council and House of Burgesses, with the Laws pass'd here last Session of Assembly, I should be loath to take up that time w'ch y'r Lo'p imployes in more important Affairs, with any remarks on the transactions I now send, nor shall I on any other Occasion, unless y'r Lo'p requires it, give you any interruptions of that kind.

Yet as there are two Laws w'ch are not be in force before next Winter, I shall beg leave to make a few short Observations thereon, the One, w'ch is the Land Law, was designed not to take place until her Maj'ty might have had time to consider whether it be agreeable to her royal intentions, for it was but in pursuance of her Maj't's order in Council, (ye 24th of March, 1710,) that I laid it before the Assembly, and as I have endeavour'd in ye framing it to have it well suited to ye circumstances of this Country, so I hope it will appear that I have had

²⁰ By Act of April, 1691, the duty on liquors imported in vessels owned by foreigners was four-pence per gallon, and in vessels owned in Virginia, two-pence. *Hening* iii, pp. 88-9. By Act of April, 1699, a duty of fifteen shillings was imposed on every servant not born in England or Wales, and twenty shillings for every negro or other slave imported into the colony. *Hening* iii, pp. 193-5.

a due Regard to her Ma't's Interest therein, especially if one Clause in this Act be observ'd, w'ch makes Lands revert to ye Crown upon three years failure of paying the q't rents. This Clause I indeed got put into a former Law, but that extended only to Lands thereafter to be granted; this now reaches all Lands heretofore granted. The other Law, which is that for improving ye Staple of Tobacco, could not, according to ye nature of it, take place sooner, besides, it is so extraordinary an Act, y't I was glad her Majesty might be informed thereof ere it was in force, tho' I do not apprehend there to be anything in it that will be disliked at home, for as it appears to be calculated for the benefit of the Tobacco Trade, and that a manifest Consequence thereof will be the Advance of Her Ma't's quit-rents and the Clergy's benefices here, so I must own my Self to have been at the bottom of the project, can best answer for the honest design thereof, however, if any unforeseen inconveniency should be found in the Execution, the Act being only temporary for three years, it may then be either let fall or continued according as this short experience shall make it desirable. I, have often had occasion to inform your Lord'p of the various ~~endeavours~~ ^{attempts} I have used to secure this Governm't and to force its Neighbours from ye incursions of ye Indians. The confidence the last Assembly have reposed in my just and faithful management of their small Treasure, has encourag'd me to forme for that purpose ye Scheme which y'r Lo'p will find in the Council Journal of ye 27th of Jan'y, and I hope will enable me to put it in execution.

I have already begun it by concluding Treatys, as well with our own Tributary Indians as ye Tuscaruros, from whom our greatest danger proceeded, and I here inclose the copys of those Treatys for y'r Lo'p's perusal, the Several partys of men maintain'd at the Indian settlement, (if they are at a little more than a 5th part of ye Expense this Country hath for some years undergone to maintain their Rangers,) will be as so many Spyes upon all their actions, and prevent their forming any designs to ye prejudice of her Maj't's Subjects, if they should have the inclination to do it, there only remains the delivery of the Tushcaruro hostages, w'ch I expect in ten days' time, and then I shall look at ye Treaty with them as compleat, and for our other Tributary Indians there is not any Suspition of their receding from their Engagem'ts, So that I hope I shall soon have the

hon'r to acquaint Yo'r Lo'p that this project is executed with as much advantage to the people in these parts as it was fram'd with a good intention.

This Winter hath [been] fatal to three Gent'n of her Maj't's Council here, who all dyed in little more than a Mo., and the number of Councillors falling thereby under nine, I have in their place, (according to ye power given me in my Commission,) called to y't Board Mr. Nathaniel Harrison, Mr. Mann Page,²¹ and Mr. Robert Porteus,²² who are all men of good parts, loyal and

²¹ Mann Page, only surviving child of Matthew and Mary (Mann) Page, and grand-son of Col. John Page, of county Middlesex, Eng., first of the family in Virginia (born 1627; died at Williamsburg, Va., Jan., 1692), was born in 1691; died Jan. 24, 1730; built the "Rosewell" mansion; married first, in 1712, Judith, (aged 17,) daughter of Ralph Wormley, Secretary of Virginia, (by whom he had surviving issue; Ralph died unmarried, and Maria, married Wm. Randolph, of "Tuckahoe;") secondly, in 1718, Judith, (aged 23,) daughter of Robert "King" Carter, by whom he had issue; Mann, married Alice Grymes, (their eldest son John, Gov. of Va., etc. :) John, married Jane Byrd, of "West-over;" Robert, married Sarah Walker, and Carter, Matthew and a daughter—the last three unmarried. See *Page Family in Virginia*, New York, 1883, for further particulars.

²² He was a native of Gloucester county, Petsworth parish, of which Edward Porteus was an early vestryman. In Ripon Cathedral, on the wall of the south aisle of the choir, is the following inscription:

" Near this Place
are deposited the Remains
of Robert Porteus, Esqr.,
a Native of Virginia, and a Member of His Majesty's Council,
or Upper House of Legislature in that Province.
From thence he removed to England,
and resided first at York, afterwards at this Town,
Where he died August 8th, 1758,
Aged 79 years."

He was, it is believed, the father of the learned Beilby Porteus, bishop of London, who was born at York in 1731, and whom Bishop Meade, in his *Old Churches and Families of Virginia*, states was a relative and tutor of General Thomas Nelson, Jr., Governor of Virginia and Signer of the Declaration of Independence. Lucy Grymes, "a favorite niece of Bishop Porteus," says Gen. R. E. Lee, in his memoir of his father, prefixed to the "*Campaigns in the Southern Department*," married Henry Lee, of "Leesylvania," and was his (the biographer's) grand-mother. There have been representatives in several generations of the well known Corbin family of Virginia bearing the Christian names Francis Porteus, presumably after an ancestor of that name.

honest principles, and of plentiful Estates, And, indeed, I know no others so fit for that Post, except some who enjoy places of profite in ye Governm't, and, without loosing them, are incapacitated to be of the Council, or elce others, who are related to one particular Family, to which the greatest part of the present Council are already near allyed.²³ Perhaps this might be of no great inconveniency were the Council only confined to advise in the public administration of the Governm't, but as they are also by Law constituted sole Judges of the Gen'l Court, there may often happen a failure of Justice, where so many of the Bench are taken off for being related to ye partys concern'd in ye Cause. As the Gent'n I have now nam'd are lyable to no such Exception, I beg leave to recommend to y'r Lo'p's fav'r, so far as you shall think fit, to Interest y'r Self in obtaining her Maj't's Commands for confirming them in their places at the Council Board.

March 9th, 1713.

To the Lords Commiss'rs of Trade :

MY LORDS:

The last letter I had the hon'r to write to y'r Lo'ps, which contain'd such large Observations on two of the most consid'ble Laws pass'd here, (of which the enclosed is a Duplicat), that I shall add little for y'r Lo'ps' trouble in this, except a few remarks, last Session of Assembly, necessary for your Information in relation to some of the other Laws then pass'd, which, together with the whole Transactions of that Session go here inclosed.

The deficiency, as well as desuetude of the only Law made here for keeping Parish Registers having rendered ineffectual all my Endeavours for obtaining an Exact list of all Births, Christenings and burials required by her Maj't's Instructions, I thought it necessary to recommend y't matter to ye Assembly, and I hope the Act now pass'd²⁴ is so well calculated for answering

²³ The Burwell family.

²⁴ This Act appears in *Hening* as of November, 1713. It requires all births of whites and of negroes, and all deaths of whites to be registered. The early Act cited was passed in March, 1662. *Hening* iv, pp. 42-5,

the end propos'd that as soon as it takes place I shall be enabled to send y'r Lo'ps such compleat Lists as may make some amends for the deficiency of those I have heretofore sent.

Upon the earnest applications of the Inhabitants of St. Mary's Parish, I have consented to an Act for redressing their grievances by dividing that Parish, for having receiv'd no answer from y'r Lo'ps to what I writt concerning the power of bounding and dividing Countys and parishes, I could no longer resist the importunity of the People in this Case. Nevertheless, y'r Lo'ps will observe by the different preamble of that Act that I have endeavour'd to Set a Precedent for future applications of that kind to be made first to the Crown in the person of the Govern'r and to undeceive the People who have hitherto look'd upon their Representatives to have the power in all such matters. Two of the Acts pass'd this Session, viz., that for the settlement of Ferrys,²⁵ and that prohibiting ye entertainment of Runaway Seamen,²⁶ w'ch were only Temporary and near expiring, are now made perpetual, according to her Maj't's Instructions concerning the re-enacting Laws of that nature, which I have communicated to ye house of Burgesses on this occasion, as judging both of those acts to be of public benefit; and if the act concerning the nomination of Sheriffs, which is now also re-enacted²⁷ had not depended upon temporary want, Namely, the increase of their profits by the advance of the price of tobacco, which, I hope, a short time will bring to pass, I should have got that, too, made perpetual, but seeing such an alteration of ye Circumstances of the Country may soon make that law altogether unnecessary, I hope y'r Lo'ps will not construe it disputing with her Maj't's direction that it is still continued Temporary.

I gave y'r Lo'ps an acc't in my last of the confidence the Assembly had placed in me with relation to two particulars of considerable importance, the one for finishing of Govern'r's House with limitation of the Sum, w'ch y'r Lo'ps will find in

²⁵ Continuing the Act of October, 1705. *Henning* iii, pp. 469-476.

²⁶ Continuing the Act of October 1710. *Ibid*, pp. 486-489.

²⁷ The nomination was to be made by the county court, but if that body refused or neglected so to do, or should the sheriff die, the Governor was empowered to fill the vacancy by the appointment to the office of one of the Justices of the Peace in commission in the county. *Henning* *ibid*, pp. 84-87.

the Act to empower John Holloway²⁸ and John Clayton, Gent. to receive the money paid for Lotts in Williamsburgh, &c., And the other in the Act continuing the Rangers, whereby I am impow'r'd to disband such of them as I shall think fit, and to apply their pay towards the settlement of the Frontiers, and by an address of the house of burgesses, (which is in their Journal of ye 9th of Dec'r), I am further impow'rd to apply towards the same Service ye remaining part of the Sum appropriated for the relief of North Carolina.

In pursuance of the last Trust I found the Scheme mention'd in ye Council Journal of ye 27th Jan., page 24, and hope to put it in execution very speedily, with more safety to ye people and at a 5th part of the Charge they have been at for some years past to maintain their Rangers. For, after several Conferences with ye Tuscaruro Indians, who have for some time dispers'd themselves on our Frontiers and occasioned the keeping on foot so great a Number of Rangers to prevent their Incursions, I have at last concluded a Treaty with them, and renew'd the Treatys made with the most considerable of our former Tributarys, which, I hope, will not only secure us against any danger from them, but prevent all the roving partys of strange Indians from coming near our Inhabitants. The several partys of men that are to be settled among the Tuscaruros and ye other Tributarys, will be as so many Spyes upon all their actions. The trade carry'd to their Towns and settled upon a just and equal footing, and a due administration of Justice in all controversys arising between them and ye English will create in them a liking to our Laws and Governm't and secure a necessary dependence on this Colony for supply of all their wants, as the instructing their Youth in the principles of Christianity, will, in a generation or two, banish their present savage Customs and bind them by the Obligations of Religion to be good Subjects and useful Neighbours. I shall not enlarge further on ye ad-

²⁸ John Holloway, a native of England, commenced life as a clerk; served, a youth, in the army in Ireland, in the reign of William iii; was an Attorney of the Marshalsea Court; "turned Projector and ruined himself"; then migrated to Maryland; removing thence to Williamsburg, married there the widow of Secretary Wm. Cocke; was 14 years Speaker of the House of Burgesses, and 11 years Treasurer; died Dec. 14, 1739, in the 69th year of his age, *Va. Hist. Register*, i, pp. 119-123.

vantages of these Treatys, of which I now send y'r Lo'ps the Copys. I hope y'r Lo'ps will be satisfyed of the good intention w'th which they are framed, and I have not much doubt but that the Event will be answerable, for as to our ancient Tributarys, there is no suspicion of their receding from any of their Engagem'ts. And for ye Tuscaruros, if they once deliver the hostages they have promis'd, (which I expect to know in ten days' time at furthest,) there's as little question to be made of them, considering the aversion they have to return into Carolina and the impossibility of their subsisting long without Trade.

I shall not trouble y'r Lo'ps with anything more of the proceedings of the Court, having in my former Letters hinted of whatever is remarkable therein, Only take notice that this Winter has been fatal to three of y't board, viz.: Henry Duke,²⁰ William Fitzhugh,²⁰ and John Custis,²¹ Esqrs., who all dyed in little more than a month, the number of the Council being by that means and the absence of Colo. Ludwell and Colo. Jenings, now in England, reduced under the number of nine. I did, in pursuance of the power granted me by her Majesty, for supplying that Vacancy, on the 27 of Jan., call to that Board Major Nathaniel Harrison, whom I formerly recommended to y'r Lo'ps, and on ye 6th of February, Mr. Mann Page, a young Gen'n of a liberal education, good parts, and a very plentiful Estate, and whose father and Grandfather both had the hon'r of the

²⁰ The Hon. R. T. W. Duke, Charlottesville, Va., is believed to be a descendant.

²⁰ William Fitzhugh, of "Eagle's Nest," (eldest son of William Fitzhugh, lawyer, planter, merchant and shipper, who was born in Bedford, Eng., Jan. 9, 1651; settled in that portion of Stafford now comprising King George county; married, May 1, 1674, Sarah Tucker, born in Westmoreland county, Aug. 2, 1663; died at his seat, "Bedford," Virginia, in October, 1701); married Mary, daughter of Col. Richard Lee, the second of the name and family in Virginia.

²¹ He appears to have been appointed a member of the Council in 1704, and was, it is believed, the third of the name in Virginia—grandson of John Custis (a native of Rotterdam, who appears in the colonial records in 1640), and son of John Custis, of "Arlington" (named in honor of Lord Arlington of the reign of Charles ii), Major-General in the suppression of "Bacon's Rebellion" in 1676, and prominent in civil and ecclesiastical matters. His son, John, the fourth of the name, married Frances, daughter of Col. Daniel Parke, Governor of the Leeward Islands, and of their issue was Daniel Parke Custis, whose widow Martha (Dandridge) married secondly George Washington.

same post. After this, Mr. Edmund Berkeley²² brought me her Maj't's Letter for swearing and admitting him into the Council, but at the same time incisted upon his taking place of all others Sworne in since the date of his Letter, alledging that from that time he was to be look'd upon as one of the Council, tho' not sworne, and so, preferable to any of my nomination, but as I do not pretend to any Authority here except what is deriv'd from her Maj'ty, and that I look upon my Self to be equally empow'r'd and under equal obligations of obedience, whether her Maj't's Commands be signified to me under the great Seal, as is the power given by my Commission for supplying Vacancys in the Council, or by her Maj't's sign Manual, as the letter in favour of Mr. Berkeley is. And besides that All of the precedents I can find are against this Gentleman's pretensions, except where it hath been otherwise directed by her Maj't's express Commands, I did not think it proper for me to determine that point in his favour, upon which he refused to be sworne, and having occasion since to convene the Council, I gave him notice there of, that he might take the opportunity of being Sworne; but he returned answer that he was not resolved whether he should accept thereof or not, until he had Right done him. Whereupon, I did, on the first Instant swear Mr. Robert Porteus to make the number of the Council nine. This last Gentleman being of a very good Character, both for good sence and

²² Edmund Berkeley, of "Barn Elms," Middlesex county, a descendant probably of Henry Berkeley, who patented 2,400 acres of land on the north side of the Chickahominy river, in James City county, April 5th, 1651. (*Va. Land Registry*, i, p. 277). According to tradition he was a kinsman of Sir William Berkeley, Governor of Virginia. Edmund¹ Berkeley married twice—first, a daughter of John Mann, of Gloucester; secondly, Lucy Burwell, December 1, 1703. She died February 16, 1716, in her 33d year, leaving issue two sons and three daughters. The eldest child and son, Edmund² married November 26, 1728, Mary, only daughter of "Secretary" Thomas Nelson, by whom he had a numerous issue, the eldest of whom, Edmund,³ married twice—first, November 5, 1757, Judith, sister of Thomas Mann Randolph; secondly, January 23, 1768, Mary, daughter of Carter Burwell of "The Grove." By the first marriage he had three children, who *d. s. p.*; by the second, also a large family, of whom the youngest son, Lewis,⁴ removed to Loudoun county where he married Frances Callender Noland. His son, Major W. N. Berkeley now resides in Albemarle county.

loyal and honest principles, and besides of a very considerable Estate, I take the liberty to recommend both him and Mr. Page to your Lo'ps' favour, that they may be confirm'd in their post, which I hope their services to her Majesty and their Country will merit. At the same time I beg y'r Lo'ps will do me the Justice to believe that I have not been hasty in filling up the Council out of any dislike to Mr. Berkeley, or upon the Acc't of his being put in without my recommendation, but rather to construe it a reasonable precaution to supply the Gen'l Court, (which now draws near,) with a sufficient number of Judges not ally'd to one particular family, for since the Death of the three Gent'n above named, and, (as I perceiv'd by Mr. Secretary Cocke's Letter,) the removal of Mr. Jennings, the greater part of the present Council are related to the Family of the Burwells, And as there are sundry other Gent. of the same family whose qualifications may entitle them to be of the Council, if they also should be admitted upon the said private recommendation as Mr. Berkeley hath been, the whole Council would, in a short time, be of one kindred. As it is now, if Mr. Bassett and Mr. Berkeley should take their places, there will be no less than seven so near related that they will go off the Bench whenever a Cause of the Burwells come to be tryed, whereby there must in all such Cases be a failure of Justice, unless the Council, who are by Law constituted the sole Judges of the Gen'l Court, be composed of a Competent number of other persons not lyable to ye same exception. This consideration will, I doubt not, prevail with your Lo'ps to believe y't ye recommendation of a Govern'r is more disinterested than many times that of other persons, and may be often necessary to secure a ballance both on ye bench and at the Council Board. However, when Mr. Berkeley thinks fit to offer himself to be sworne, I shall readily admit him, and it is purely his own neglect that he was not sworne before either of the Gent. with whom he now disputes, for he had his letter by the same Ship w'ch arriv'd on ye 5th of Jan., and brought me that for swearing the Secretary, and yet he gave me no notice that he was appointed of the Council till after Mr. Page was sworne, nor shew'd me her Maj't's Letter till the 8th of Feb'r.

If her Maj'ty shall not think fit to give Colo. Bassett his

former rank in ye Council, I cannot recommend a fitter person to supply that vacancy than Mr John Robinson,²³ Nephew of ye present Bishop of London. He is now with his Uncle, and if he return hither, (which is yet uncertain,) I hope y'r Lo'ps will aford him ye hon'r of serving her Maj'ty in a station he is well qualified for. Mr. Thompson,²⁴ who was for some y'rs past Attorney Gen'l of this Colony, died in ye beginning of last Mo., and I have Commissionated in his place Mr. Jno. Clayton, an English Gent., a Barrister at Law, who has as fair a Character as any I ever knew of that Profession.

March 13, 1713.

To Mr. Blathwayt:

S'R:

In a matter so immediately under your inspection as is that of her Majesty's Revenue of this Colony, I perswade my Self I cannot entertain you more agreeably than by acquainting you with the measures I have lately taken, both for advancing the price and increasing the quantity of the Quitt rent tobacco. Besides the bad Market at home, which equally affected all tobacco in general, the unjust and fraudulent manner of discharging public dues has reduced y't revenue in particular, less valuable. People have, for a long time, indulged themselves in ye unjust opinion y't ye worst Trash they could make was good

²³ John Robinson, born 1683; died in September, 1749, (second son of Christopher Robinson of "Cleasby," Yorkshire, England, who settled about 1666, at "Hewick," near Urbanna, in Middlesex county, Virginia; married first Agatha, daughter of Bertram Obert, who patented lands on the Rappahannock river in 1649; secondly, Catherine, daughter of Theodore Hone, and widow of Robert Beverley, formerly of Beverley, Yorkshire), married first, Catharine, daughter of Robert Beverley, just mentioned, and secondly, Mrs. Mary Welsh, of Essex county, Virginia. From June 20, 1749, to his death, as President of the Council, he was acting Governor of Virginia. His second son, John, was long speaker of the House of Burgesses and Treasurer of the Colony.

²⁴ Stevens Thomson, whose daughter, Anne, married George Mason, fourth in descent from the English emigrant settler in Virginia in 1651. She was the mother of George Mason of "Gunston," author of the Bill of Rights.

enough to discharge their public Debts. But for remedying that abuse I have obtained a Law to be pass'd in the last Session of Assembly, w^{ch}, by obliging all tobacco payments to be made at certain public store-houses, under ye view of sworne Officers, called Agents, will make ye Quitt rent tobacco of equal goodness wth the best Crops. And, instead of the Purchasers taking it as formerly, at all the inconvenient places where the Sherif thought fit to pay it, he has now no further Trouble than to receive so many Agents' notes, (which are to pass like Bank Bills,) and whenever he thinks fit to Ship his tobacco, he has it ready in hogsheads to be delivered at a convenient landing. The advancement of the price of tobacco, which will follow upon the destruction of Trash, will induce all money'd men to pay their Quitt rents in that Specie, according to ye rate in their patents. And whereas, for want of money or credit in England, people are obliged still to pay in tobacco, it being of equal Goodness, will always bare an equal price with the best Tobacco in the County where 'tis produced. By another Act pass'd the same Session, besides the Encouragement for taking up the new Land, I have got a Clause inserted in that Law whereby upon 3 years' failure of paying ye Quitt rents ye Lands are to revert to the Crown. Something of this nature was provided by a former Law, but y^t extended only to ye Lands thereafter granted, whereas this reaches all as well what has been taken up at any time heretofore as what shall before the future. There are still some other regulations I intend to establish for making ye Collection less chargeable and the Rent rolls more exact, but I shall not here trouble you with schemes that are yet in Em-brio, only beg the favour of you when you find a fitt opportunity to communicate what is above to my Lord Treas'r, because the first of these Laws introducing a very great alteration in ye Tobacco Trade, may, 'tis like, come under his Lo'p's view before the time of its Commencement, which is next fall; and the other is intended not to take place till next Decem'r, that her Maj'ty may in the meantime be satisfi'd how far it is agreeable to her Royal intentions, and so both like to be much influenced by his Lo'p's opinion of them. As the Tobacco Law was absolutely necessary to remedy the ill State of y^t Trade, and is only to continue as an experiment for three years, and the Land Law being founded upon one of her Majesty's Instructions, is as Con-

formable thereunto as the Circumstances of this Country would admit. I hope the benefits they will produce to her Maj't's interest and the trade of her People will render both as acceptable with you as they were fram'd here with a good intention.

March 13. 1713.

To the Bishop of London:

MY LORD:

After the Loss of our late worthy Diocesan, it is w'th unfeigned Satisfaction that I come to understand Y'r Lo'p's promotion to that See, and I may with truth add that no other choice could have been so agreeable to the Virginians; for, as they are equally strangers to all other Bishops, they could have had no more than common expectations from any one of their Lo'ps, but as y'r Lo'p has lately had a glorious occasion to testify to all the World as well as to remotest of her Maj't's Dominions with what indefatigable zeal you can labour for the general good of Mankind, the Americans cannot but conceive extraordinary hopes of their future happiness in being made the particular Province of such a Prelate. As I shall often have the hon'r of corresponding with y'r Lo'p in what relates to this part of your Diocess, I hope to give you proofs of my being a dutiful son of the Church, and that my endeavours shall never be wanting to promote y'r Lo'p's pious Designs. We have in this Country a Colledge, founded by ye Bounty of their late Maj't's, King William and Queen Mary, and lately rais'd out of the Ashes by the pity of our present Sovereign; But as such undertakings, especially in new Countrys, wants many Assistances to bring them to perfection, So this work is yet far from being compleated. The building still unfinished, and the revenue too small to support the number of Masters requisite for carrying Youth through a course of University studys. Yo'r Lo'p's predecessor had used his interest with her Maj'ty for her further Royal bounty to this work, but the more important Affairs which then imploy'd her Maj'ty and the ministry, together with his Death, which followed soon after, put a stop to that Design, w'ch I hope may still be prosecuted by y'r Lo'p's

interest and endeavours. Upon the encouragement of a Fund settled on ye Colledge by the deceas'd Mr. Robert Boyle, I endeavour'd to dispose our Tributary Indians to send hither their children to be taught and educated in ye Christian faith, and accordingly 17 of their boys are now at the Colledge. Your Lo'p will also observe by the Copys of the treatys made with those and some other Indians, that I have also engaged them to consent that all their Children shall be instructed in the Christian Religion as soon as Ministers and School Masters shall be settled amongst 'em. This I undertook upon ye encouragement given me by the late Bishop that he hop'd to get a Fund settled out of her Maj't's q't rents to assist the Colledge for ye supporting the charge of those already there and an exhibition from the Society for propagating the Gospel towards the maintainance of Missionary and School Masters at the Indian Towns, And I hope y'r Lo'p will be pleas'd to use y'r interest both with her Majesty and the Society for promoting this good design, without which I shall be disabled to comply with that part of the Treaty ; and I doubt not the Society will be the more readily inclin'd to this Expence, because it is the only one that has ever been requir'd of them for this Colony. The benefices of the Clergy here, depending solely on Tobacco, have, for some years past, been very much diminished by the low price of that Commodity, and ye unjust manner of passing it, but I have this Winter got an Act past for remedying the Abuses in those payments, and which will, I hope, particularly advance the Income of the Colony. I shall be glad to receive y'r Lordship's commands in any thing wherein I am capable of serving the Church, or testifying that respect with which I am,

My Lord, &c.

March 13, 1713.

MY LORD:

I beg Leave to add to w't goes with this, That a Vacancy happening in the Council here I am very desirous it should be supplied by one of y'r Lo'p's Family, assuring my Self y't such having always before their Eyes y'r Lo'p's Exam-

ple will be true to y'r Interests of the Church and of ye State. I offer'd this fact to Mr. Christopher Robinson, but found him unwilling to quit on y't Acc't of the Naval Officer's place; upon w'ch I have now recommended to be added to ye Council Mr. John Robinson, one whose qualifications for that Trust, (I'm perswaded,) are not inferior to any other in this Country. I should have been loath to loose him out of our House of Burgresses, (where he hath done remarkable service,) were it not to give him an opportunity of Serving her Maj'tie in a more hon'ble Station, and as I hope y'r Lo'p will not only approve, but encourage his accepting thereof, w'ch is the more necessary in regard he is not related to any of ye present Council, of which are two many Already of one Kindred; And that he may, with greater ese, support that Character I have reserv'd for him an Agency of considerable profite, w'ch is lately erected at the Town where he lives. I'm also now contriving an employment for ye younger brother, having promis'd an Agency to a Gent. here, who is to resign the Clerkship of a County and to give him his Assistance in ye managem't thereof. It will be a particular satisfaction to [me] when by adyancing the Interest of y'r Lo'p's Relations here or any other occasion wherein you shall please to Command me. I can give y'r Lo'p proofs of my being with the profoundest respect.

March 15th, 1713.

*To ye Board of Ordinance:*²⁵

GENTLEMEN:

By the Northampton, which arriv'd here ye 5th of January, I was honor'd with y'rs of the 18th of September, and have since receiv'd the stores of War sent in that Ship in good Order. It was a particular pleasure to me to see so fine a sett of Arms, for I must confess they are far beyond any

²⁵ James, Duke of Hamilton, succeeded Richard Savage, Earl Rivers, deceased, as Master of Ordnance, August 18, 1712. He was also appointed Ambassador Extraordinary to the Court of France. In 1715, John, Duke of Marlborough, succeeded him as Master of Ordnance.

usually deliver'd out of the Tower while I serv'd in the Army. I have given the Mast'r duplicated receipts for those Stores, and shall observe your Hon'r's directions in transmitting from time to time Accompts of the Expense thereof, being desirous of any opportunity to testify that I am, with great Respect,

Gentlemen.

March 15, 1713.

To Colo. Blakiston:

S'R :

About the beginning of Jan'y I rec'd yo'rs of the 3d July, 20th of Septem'r, and 10th of October, w'ch gave me an Acc't of y'r proceedings in relation to the Mines, as well as y'r Sentiments of w't ye Baron had propos'd about transporting his Miners, but by y'r Letter of ye 9th of Decemb'r, which I rec'd the other day, I perceive you have alter'd y'r opinion by sending over those People, partly at my charge. This makes me believe you have now greater hopes of her Maj't's Concessions in y't Affair, for I'm confident you would not on any less encouragem't engage me in such an Expence, when, besides, it seems, I run the risque of the same Censure, as you say others have undergone, for transporting Forreigners into these parts, but I hope the undertaking will not have the same consequences; however, 'tis in vain to look on the worst side of a business wherein one is so far engaged, and must go through. 'Tis therefore the more necessary to press an answer to the memorial presented to her Maj'ty, and [in] regard nothing must be undertaken here till that be obtain'd, without the hazard of raising so great a Clamour, especially when Mr. Nicholson arrives, Wherefore I request you will use y'r endeavours, and also quicken My Lord Orkney to dispatch her Maj'ty's answer as soon as possible, that we may have some prospect of being reimburs'd the charge of maintaining so many people, w'ch must remain idle in the meantime. I have reason to be satisfied with the measures you took for obtaining my last allowance of house rent, since they prov'd so successful, at least, before I send any Memorial of my own, I

shall wait the effect of my Lord Orkney's applications, to which you may with a great deal of truth add that I am now in disburse, for carrying on the building of the House, upwards of £600, and must still advance a larger Sum, or suffer it to lie unfinished, and that it must be some years before I can be repaid out of the Fund appropriated for y't purpose, w'ch arises very slowly, and is already clogg'd with several considerable debts.

May 11th, 1714.

To the Earle of Oxford, Lord High Treasurer:

MY LORD:

Were it not for the knowledge I have that y'r Lordship's care is extended even to ye Minutest Affairs wherein her Maj't's Interest and ye public good is concern'd, I should not presume to trouble y'r Lo'p with any thing from hence which might add to the weight of those of far greater importance in which you are continually employed; but since the service of her Maj'tie requires my Application to y'r Lo'p for y'r directions, I hope I shall the more easily obtain y'r Lo'p's pardon for this interruption. Ever since my arrival in this Governm't It has been my Study how to increase and bring under a better regulation her Maj't's Revenue of the Quitt Rents. To this purpose I have obtain'd some Laws to be pass'd for preventing Concealments and other fraudulent practices in the payment thereof. And since that alone could avail little so long as the price of tobacco, (in which that Revenue is generally paid,) continued so low, I have lately pass'd another Law, which, by establishing a rule for amending the Quality of the public Tobacco, will, in all probability, likewise advance the value of that which is paid for the discharge of the Quitt rents; but while I was projecting some further regulations for the more frugal and easy way of collecting of y't Revenue, there fell into my hands a Declaration of his Maj'ty, King Charles the 2d, sent to my Lord Howard, then Govern'r of this Colony, (whereof I send y'r Lo'p the Copy,) which, tho' it has been neglected hitherto,

would, in my opinion, have proved very beneficial to ye Crown and very acceptable to ye People. For, notwithstanding the Reservation of Q'tt rents mention'd in the Grants of Land here is said to be two Shillings Sterling for every hundred Acres, Yet by a particular Indulgence of the Crown, both before and since the aforementioned Declaration, that two Shillings has been commuted for 24 lbs of tobacco at the Election of the Grantee, and that Tobacco, perhaps, sold afterwards at half a Crown, or three Shillings a hundred, y't so much hath ye Quitt rents decreas'd in value since the Fall of the price of Tobacco, which hath occasioned a greater difficulty in obtaining bills of Exchange to supply the want of Sterling Coin, of which there is but very little in the Country; whereas, if the payment of the Quitt rents were allowed in Spanish Coin, which is the Current Specie of this Country, not only abundance of the Planters who now pay tobacco would find Cash sufficient to discharge their dues, (as I have heard several of them confess,) but even where ye payments should still be made in Tobacco, (if there should be any such,) it would afford a much greater price, and the purchasers could more easily obtain Spanish money than that Specie w'ch has been hitherto demanded of them. And since the allowing Spanish money at ye current rate to pass in paym't of ye Quitt rents, would make the people more readily submit to some other Reglements I propose to introduce for ye increase of ye revenues.

I, therefore, humbly offer to y'r Lo'p's consideration what I have here represented, and pray y'r Lo'p will be pleas'd to signify whether it be her Majesty's pleasure to accept of the quitt rents according to that Declaration; For since it has been so long conceal'd from the people here, I dare not take upon me to publish it without her Majesty's Commands or some Directions from y'r Lo'p, tho' I am so well Satisfyed of the Advantage it would prove to y't revenue, that I would desire no more for supplying the Deficiency of the other Revenues so establish'd for ye Support of the Government, than what the Q'tt rents upon this footing should increase for seven years coming more than what they have usually amounted to by a medium Computation for seven years last past, And if her Maj'tie would be graciously pleas'd to bestow such a Benevolence on ye Country, according to another Clause in ye above Declaration of King Charles, could never come more seasonably than at

present, when the Revenue falls short of paying the establish'd Salarys, above £1,400, as y'r Lo'p will Observe by the Copy of the Accompt of the two Shill's H'n'd here inclos'd.

I might very reasonably promise myself, from the good Temper in which the last Assembly parted, and the perfect harmony there is in this Government, free from all faction or discord, that the next Assembly would have been prevail'd on to make good this deficiency in the public revenue as soon as their other Engagements are discharged, but I could rather wish it might be accomplished by a Donative out of the q'tt rents, because thereby the Council would think themselves more concern'd to concur in the Regulations I propose, while, in so doing, the paym't of their Sallerys would be better secured, and their Interest depend more upon her Majesty's favour, w'ch is with many men more prevalent than either reason or duty. I here send y'r Lo'p the Acc't both of the money and Tobacco which have been rais'd by ye Assembly since my Time. The particular Occasions to which each have been applied would be to[o] tedious, besides unnecessary, to trouble y'r Lo'p with, since none of either kind have been issued without the particular order of the Assembly and for the public Services to w'ch they are appropriated.

I should, by this Conveyance, have sent y'r Lo'p ye Accompt of ye quitt-rents for the last year, but the Receiver Gen'l informs me he cannot yet finish the same, because great part of the money for which they are purchased is yet unpaid; however, I shall take care y't the Accompt be compleated and sent w'th all possible speed, and the money remitted into y'r Exchequer, according to her Maj't's Commands.

VIRGINIA, July 19th, 1714.

To the Earle of Oxford, Lord High Treasurer:

MY LORD:

According to what I had ye hon'r to write your Lo'p the 11th of May, I here inclose the Accompt of her Maj't's

q'tt rents for the last year, the balance of which being £855 15. 1¼, should have been remitted by this very Conveyance, but that the receiver General informs me he has mett with difficultys in receiving the bills for which the tobacco was sold ; however, as he has promis'd to make all possible dispatch in collecting those debts, I shall take care that this ballance be remitted into ye Exchequer by the next opportunity, which will happen in a very short time.

July 21st, 1714.

To the L'ds Comm'rs of Trade:

MY LORDS:

Since my last of the 9th of March, (whereof the enclosed is a Duplicate,) I have had the hon'r to receive y'r Lo'ps of the 6th of April, with the Treatys of Peace and Commerce, which I have accordingly made public. It is with great satisfaction that I can acquaint y'r Lo'ps that this Country en'yoys a perfect peace, and that even the Indians, since the last Treaty made with them, have not offered the least disturbance, notwithstanding the Tuscaros, induced thereto, (as they say,) by the people of Carolina, have departed from their agreements with this Governm't, and gon[e] to settle once more upon that Province, I continue, all resolv'd, to settle out our Tributary Indians as a guard to ye Frontiers, and in order to supply that part, w'ch was to have been covered by the Tuscaruros, I have placed here a number of Prodestant Germans, built them a Fort, and finish'd it with 2 pieces of Cannon and some Ammunition, which will awe the Stragling partys of Northern Indians, and be a good Barrier for all that part of the Country. These Germans were invited over, some years ago, by the Baron de Graffinreed, who has her Majesty's Letter to ye Governor of Virginia to furnish them with Land upon their arrival. They are generally such as have been employed in their own country as Miners, and say they are satisfyed there are divers kinds of minerals in those upper parts of the Country where they are settled, and even a good appearance of Silver Oar, but that 'tis impossible for any man to know whether those Mines will turn to account without

digging some depth in the Earth, a liberty I shall not give them until I receive an Answer to what I represented to your Lo'ps concerning y'r Ascertaining her Maj't's Share, which I hope by y'r Lo'p's interposition be speedily signified. Your Lo'ps will receive, together with ye Duplicate of ye Laws and Journals of the last Assembly, the proceedings of the Council and proclamations since my last letter, upon which I shall only give y'r Lo'ps the trouble of one Remark—That finding the Government of Carolina continuing to make Surveys within, and even beyond the controverted bounds, and that on their encouragement great numbers of loose and disorderly people daily flock thither who would be restrain'd by no orders from trading with the Indians, I propos'd to y't Government the running both the lines in dispute, and removing all persons that had settled between those Boundaries, as being seated there without any lawful Authority, And because it would be most convenient that each Government should be at the expence of running the Line next to its own Inhabitants. I undertook running that Boundary next to Virginia, which the Proprietors claim'd at the charge of this Governm't, provided they would be at the charge of running the other claim'd by Her Majesty, but tho', in pursuance of the resolution of ye Council in that matter the 30th of March last, I have already performed my part, the president of Carolina alledging for his Excuse the expectation of a new Gover'r, did not think fit to take any measures for performing theirs. I have since seen Mr. Eden, who is appointed Governor of that Province,* and find that he has no manner of Instruction from the proprietors concerning the boundaries; And as to ye proposal of marking out the Southern Boundary, he has delayed giving me an answer until upon consulting with his Council he shall inform himself of the nature of y't dispute. If he should likewise refuse, I have determined to run that line also as soon as the Woods are practicable, and then to remove all the people seated within those controverted bounds, which will be the most effectual way to bring that dispute to a speedy determination, it being now the interest of y't Governm't to delay it, since by disposing of the Land and receiving the quitt rents they reap the same advantage as if it were actually adjudged to be their

* Charles Eden, who died in office March 26, 1722, aged 48 years.

property, and so unfair hath Mr. Moseley³⁷ and the other Surveyors of y't Province been, tho' they pretend no farther than a West line from the mouth of Nottoway River, yet upon making out y't line, I find several people, seated even to the Northward of it, who hold their Lands by Carolina patents. It was but the beginning of last month that I received the new Seal appointed for this Colony, with her Majesty's Warrant for using thereof. I have, pursuant to her Majesty's Commands, caused the former Seal to be broke, and now send it by this Conveyance, but as there are many things by particular Act of Assembly appointed to pass under ye Seal of the Colony, for which the fees are very inconsiderable, and are therefore writ on paper, to which this seal cannot be affixed without the danger of tearing off in a short time. It were to be wish'd that her Majesty would be pleased to allow a lesser Seal or Signet to be used for matters of small Consequence, w'ch would be less chargeable to ye Secretary y't keeps it, and more proportioned to ye present fees, w'ch the People will be very unwillingly brought to increase.

I here enclose the Accompts of ye q'tt rents, and 2S. 3^p hhd., as they were made up last half year, by which y'r Lo'ps will observe how much the latter Revenue falls short of discharging the Expence of the Government, occasioned by the little encouragement't there has been for the exportation of Tobacco. This year seems as little favourable to that Revenue, by the best prospect of the Cropps, which a continued Drought for these three months has rendered very unpromising hitherto, and if there should happen no rain in a Week more there will be great danger of a Scarcity of Corn, for which reason I have put a stop to ye Exportation thereof.

³⁷ Edward Moseley, married Anne, (born June, 1657; died November, 1712,) daughter of Major Alex. Lillington, and widow of Henderson Walker, sometime President of the Council, and as such Acting Governor of North Carolina, and who died April 14, 1704, aged 44 years.

VIRGINIA, July 21st, 1714.

*To ye Lord Bolinbroke:*²⁸

MY LORD:

It was but the other day that I had the hon'r to receive y'r Lo'p's of ye 19th of October, else I should not have been so late in offering y'r Lo'p my hearty Congratulations, and expressing the pleasure I have to find this Colony now under y'r Lo'p's care by ye promotion of the late Earle of Dartmouth.

²⁸ Henry St. John, Viscount Bolingbroke, only son of Sir Henry St. John, Bar't of Lydiard Tregoze, in Wiltshire, by Mary, second daughter and co-heiress of Robert Rich, third Earl of Warwick, was born at Battersea, in Surry, Oct. 1, 1678; educated at Eton and Christ Church; at the former began an acquaintance and rivalry with Sir Robert Walpole, which continued through life. Here, as subsequently, he was distinguished for his talents, brilliancy of conversation, fascinating manners and remarkable personal beauty; continuing a course of profligacy upon leaving college, he married, by the encouragement of his parents (who thought thus to reclaim him) the daughter and co-heiress of Sir Henry Winchescomb. It was an unhappy union. They soon separated, never again to be united. During his exile she died, and in 1720 he married the widowed Marchioness de Villette, a niece of Madame Maintenon. They lived together thirty years, and he survived her only about a year. In 1720, St. John entered Parliament from the parish of Wotton Bassett; made Secretary of War, 1704; resigned 1707, when Harley was dismissed from office, but when the latter came into power again, on the fall of Godolphin, in 1710, St. John was made Secretary of State; created Baron St. John and Viscount Bolingbroke in 1712, at which he exhibited much chagrin at not being elevated to an Earldom. The accession of George I interposing a barrier to his ambition, and fearing impeachment at the hands of the Whigs, he fled to Calais, March 25, 1715. Visiting Charles Edward Stuart, the Pretender, at Lorraine, he accepted from him the post of Secretary of State, which caused his impeachment and attainder. In 1723, he was permitted to return home and his estates were restored to him, but the house of Lords was closed against him. He now, in conjunction with Wyndham and Pulteney, commenced a fierce war against Sir Robert Walpole which lasted for ten years. *The Craftsman*, by Caleb D'Anvers, was the vehicle of the bitter assault. In 1736 Lord Bolingbroke again visited France, where he resided until the death, in 1742, of his father, who had been created Viscount St. John, when he retired to the family seat, Battersea, where he continued, engaged in literary pursuits until his death, from cancer of the face, in 1751. His works, including his *Letters to Pope on Religion and Philosophy*, were edited by David Mallet and published in 5 vols. 4to., in 1754.

As y'r Predecessors hath done me the hon'r to express their Satisfaction with the regularity of my Correspondence, it shall be my endeavour, in the same manner, to merit y'r Lo'p's approbation. It has been usual heretofore to trouble those in yr Lo'p's post, only with the more important Transactions of the Government, in regard also that being of the Board of Trade, to whom a large Acc't of all the Affairs is constantly transmitted, a Repetition of the same matters, (especially such as are not of any great moment,) seem'd unnecessary ; but if y'r Lo'p thinks fit that I should enlarge y'r Trouble, by the same detail of Affairs as I gave to the Lords Commiss'rs of Trade, I shall punctually observe y'r Commands. At present, besides the Journal of the Council, and proclamations which go here enclos'd, I have nothing worthy y'r Lord'p's notice, except the satisfaction to inform you that this Country enjoys a perfect peace and quiet, free from all intestine factions, and undisturbed by any of those Indian Enemys who formerly infested it.

I take the liberty to represent to y'r Lord'p, (as I have formerly to my L'd Dartmouth,) ye Case of Jane Ham, who was condemned here for concealing the death of her bastard Child, upon a late Act of Assembly, which the penalty of such concealment ye same as for willful murder. The Judges who passed the Sentence, recommended her to me as an Object of mercy, in regard there was not any proof of the least Violence offered to ye Child to occasion its death, and that it also appeared that ye Act of Assembly had never been read in ye parish Church where she lived, as it was particularly directed to be, and is the only way of publication in this Country, where we have no printing ; but as I am restrain'd by my Instructions from pardoning murder without her Maj't's express Command, I beg y'r Lo'p will be pleas'd to move her Maj'tie to extend her Royal mercy to this unfortunate Woman, (who has now lain upwards of fifteen months in prison,) and is the more deserving of compassion in regard that being a Servant, by the laws of this Country, her having a Bastard Child would have entailed upon her a Longer Servitude ; the fear of which, probably, was the reason why she conseal'd her Delivery and the Death of the Child.

October 25th, 1714.

To ye Lord Bolingbroke :

MY LORD:

On the 18th current I receiv'd y'r Lord's packet with the mournful news of the Death of our late most gracious Sovereign,^m and ye proclamations therewith sent for my guidance in this Conjunction. The next day being ye fourth of our General Court, a time when there is the greatest Concourse of ye Gent'n of the Country of any time of the year, I proclaim'd, with all the Solemnity this Country is capable of, his Maj'tie, King George, and concluded the Night with an entertainment at my house for all ye Gentlemen in Town and with firing of Guns and all other suitable demonstrations of Joy, which loyal Subjects could testify for the happy Accession of their Rightful Sovereign; And it is with great Pleasure y't I acquaint y'r Lo'p that a Government w'ch is not the least considerable of his Maj't's Dominions have show'd an unanimous disposition to acknowledge his Maj'tie's undoubted Title. The same day, my Self, the Council and most of ye principal Officers in y's Government took ye Oaths to his Maj'tie conformable to ye Act of the 6th of the late Queen, and I have given directions for proclaiming his Maj'tie in the several Countys throughout the Colony and for Quallifying the Officers pursuant to ye same Act.

As it is impossible for any good Subject to reflect without a just concern on the justice, piety and other Royal virtues of our late excell't Queen, I have appointed ye Clergy of this Colony in their several parish Churches to preach suitable Sermons on this Occasion; And as soon as that Ceremony is over, I intend to appoint a day of General Thanksgiving and rejoycing for the blessing we enjoy of a protestant Successor in the person of our present Sovereign, King George; And I beg leave to assure y'r Lo'p that it shall be my care, as it is my duty not only my Self to preserve an inviolable fidelity to his Majesty, but to preserve the Governm't under my charge in a due obedience.

I am, with great respect.

^m Queen Anne died August 1st, 1714.

October 25th, 1714.

To Ye Lords Commiss'rs of Trade :

MY LORDS:

Tho' I have received no intimation from y'r Lord'ps of the death of our late most gracious Queen, I cannot omit this first opportunity after ye notification of y't mournful news sent me by L'd Bolingbroke, to acquaint y'r Lo'ps that, according to ye Directions transmitted therewith, I proclaimed his Maj'tie, King George, with all ye Solemnity this Country is capable of, the 19th instant, the Council and most of ye principale Gent'n of the Country, (who were tho' extraordinarily Assembled in W'msburgh on occasion of the Gen'l Court,) assisting therein, ye Night concluded with an entertainment at my house for all ye Gent. in Town, where his Maj't's health was drank with the firing of Guns and all suitable demonstrations of Joy for his Maj't's happy and peacable accession to ye Throne, whose undoubted and rightful Title ye people of this Colony do unanimously acknowledge. I have, together with the Council and principal Officers, taken ye Oaths prescrib'd by the Sixth of Queen Anne, and have issued out Orders for proclaiming his Maj'tie and qualifying the several Officers throughout the Government. Having receiv'd no commands from y'r Lo'ps but what I have already acknowledg'd and answer'd, I shall not, till after ye meeting of ye Assembly, w'ch begins ye 16th of next month, trouble y'r Lo'ps with anything from hence, except at present to acquaint you that I am but just returned from 'a Six Weeks' expedition for settling the Indians and securing the Frontiers, and that the Country is at present in perfect Tranquility.

December 1st, 1714.

To Ye Lords Commiss'rs of Trade :

MY LORDS:

In my Letter of ye 25th of Octob'r, I gave y'r Lo'ps an Acc't of the proclaiming the King at ye Seat of ye

Government. Since w^{ch} his Maj^{ty} has been proclaimed with the same unanimity in all the parts of the Colony, And Thursday last was observ'd as a General Thanksgiving for His Majesty's happy Accession. The Addresses which go by this Conveyance, from my Self and the Council and from ye General Assembly, (of which I send y^r Lord[']ps the Copys,) I hope will be look'd on as a suitable Testimony of our Duty and Loyalty on this Occasion.

That y^r Lo[']ps may be the better inform'd of the Affairs now under deliberation in the General Assembly, I send enclos'd a Copy of my Speech at the opening of this Session, and of the Address of the House of Burgesses in answer thereto. As that Address came to me with a Nomine Contradicente from that House, I doubt not it will be an agreeable demonstration to y^r Lo[']ps of the Harmony between me and the Assembly, as the inclos'd Letter from ye Council will satisfy y^r Lo[']ps how little ground there is for the reports w^{ch} I understand have been made in England, and which probably may ere now have reach'd your Lo[']ps, as if the good Correspondence between us were of late much interrupted on Acc[']t of ye Affair of Mr. Berkeley. The Journals of Council, which go herewith, will set y^t matter in a much clearer light; And if y^r Lo[']ps will be pleas'd to peruse the proceedings on ye 4th of Novemb^r, where the whole case is fully stated, I shall not then be under the least apprehension of suffering in y^r Lo[']ps' good opinion through any misrepresentations that may be made of my Conduct, Though that Gentleman is a person that I should not have recommended to be of ye Council, considering the present Constitution of the Board, It will yet appear by his own Confession that I have been far from refusing to admit, neither have I taken upon me to Act, anything in relation to him which is not Conformable to ye Constant practices of the Council as well as ye general Opinion of the Gentlemen who compose the present Board, and even those who, in regard of their relation, argued most in his favour, could not but own their Conviction upon the precedents produc'd to them. I shall Trouble y^r Lordships no further on this Subject but only to add one Remark—That the People of Virginia are not well pleas'd when they see so many of one Family on the Gen[']l Court Bench, and I fear y^r Lo[']ps may be troubled with a Grievance from y^m on y^t Acc[']t, if the

Merchants' Scheme, (which I have seen,) should take place, it being propos'd to add to ye Council three more who are nearly related to many of ye same Family already of that Board. I don't pretend to dictate to y'r Lo'ps what recommendations you are to take, and I hope what I now write will not be accounted so, being for my own part with all submission ———.

Decem'r ye 1st, 1714.

To Col. Blakiston:

S'R :

If I have not already return'd you my hearty thanks for ye pains you took in Obtaining the Warrant for continuing my Ho. rent, lest I should be thought guilty of Ingratitude, I desire you will be pleas'd to accept of the same now, together with my repeated acknowledgments for y'r endeavour in relation to the Affair of the Mines. At the same time I hope you will please to renew your instances to His present Maj'tie, with whom, (as being a Prince of more knowledge in the nature of Mines than I believe any in Europe,) it may be much easier to prevail, and perhaps to obtain as moderate Terms as ye Adventurers in his own Territorys of Germany had. It may be also some Consideration with his Majesty that these Mines are to wrought by persons of the same Nation and Religion, as I am sure it ought with us; that they will be a vast charge without any prospect of benefit till they can be set to Work. I have obtain'd for them from the Assembly an Exemption of all Taxes for seven Years, which may be an encouragement to others of the same Country to come over, but I hope their passage will be at their own charge.

You will herewith receive an Address from myself and the Council, and another from the General Assembly, upon his Majesty's Accession to the throne, which I desire you will present, as usual, in concert with my Lord Orkney and the Board of Trade. As I hope these Addresses will be look'd on as dutiful, so I can assure you y't no part of his Maj't's Dominions has been more unanimous in proclaiming and owning him as their

Sovereign. Last Thursday was observ'd as a Generall Thanksgiving for his Maj't's happy and peacable Accession w'th as much Solemnity as this Country is capable of, and at Night the Council and Burgesses, with what Strangers were in Town, had an entertainment at my House, with Fireworks, illuminations, and several Salvos of great Guns.

I find as well by a long Letter from you, as from some other private hands, that there [have been], with you, some Notions Advanc'd in relation to ye Affair of Mr. Berkeley, very different from the truth of the Case, and particularly a Report as malicious as false, that Mr. Berkeley was kept attending at the Council door till I swore in the three late Councillors. It is to set that matter in a true light that I send you the enclosed Transcript of the Council Journal on ye 4th of Novemb'r with ye annex'd Letter from the Council to ye Board of Trade, not doubting but if you are Zealous for vindicating the Reputation and Conduct of a Governor, you will make the proper use of it. People who can advise me to admit Mr. Berkeley, according to his pretensions, may as well take upon them to direct me to give my opinion, as a Judge of the General Court, contrary to my Conscience and the known Rules of Law. Old Perry really talks impertinently of the breach of my Instructions, and others may as ignorantly arraign my power without examining the Authoritys in the Patent under the Great Seal, but if Records are to be regarded, the Constant practice of the Council, will, I doubt not, justify my Conduct beyond the Power of Noise and Clamour. Mr. Berkeley might have been sworne of the Council when he pleas'd, And if my Superiors think fit to put him at the head of that Board, it shall be a matter entirely indifferent to me in what a Rank he votes, but I think it is doing little honor to the Government to have its Council appointed in the Virginia Coffee House, and I believe a Governor who has a power under the Great Seal to constitute and appoint Persons who are to be, to all intents and purposes, Councillors, until confirm'd or removed by the Crown, has a[s] good a title to name, and is as capable of Judging of the qualifications requisite for Persons in that Port as an Merchant in London who has no other Rule to judge of a man's merit than by the Number of his Tobacco hogsheads.

The Address, of which I send you a Copy, from ye Ho. of Burgesses will inform you what Affairs are now under delibera-

tion in the Generall Assembly, And I hope will also serve to contradict the insinuations of those who would have it believ'd that the Harmony in the Government is interrupted on Acc't of Mr. Berkeley's non-admission into the Council according to his pretensions.

December 1, 1714.

To Ye Lords of the Treasury :⁴⁰

MY LORDS:

The Station I am in, giving me occasion to do my Self the hon'r of transmitting to y'r Lo'ps such matters as concern his Maj't's Revenue within this Colony, I accordingly take ye opportunity of forwarding ye inclos'd Address from ye Council and Burgesses to his Majesty, and at the same time ye Copy of w't they presented to me, with my answer thereto, y't y'r Lo'ps may see, though I am engag'd to convey it over to be laid before his Maj'tie, I had neither a part in ye beginning of it, nor gave them much hopes to expect my recommendation thereof. Tho' I cannot joyne with ye Gent. of ye Gen'l Assembly in so improper a request as is that of asking his Majesty in the very beginning of his Reign to give away his whole revenue of Quitt rents, Yet I must in justice concur with them in representing to y'r Lo'ps the present deficiency of ye public revenue appropriated for ye Support of the Government, for notwithstanding all the frugal management I could contrive, (and I hope the article of Contingencys since my time, compared with the expence of former years, will Sufficiently justify me therein,) such have been the discouragements to the planting and exporting of Tobacco, occasioned by the bad markets for several years past, that the annual charge of the governm't which are supported by the dutys on the export of Tobacco, have exceeded the Income by so much as is the ball. in the Acc't of that Revenue herewith sent for the last half year amounting to £1,070,

⁴⁰ Charles, Lord Halifax, Sir Richard Onslow, Sir Wm. St. Quinten, Paul Methuen and Edward Wortley Montague, were appointed Commissioners of the Treasury October 5th, 1714.

9. 11½, tho' the establish'd Sallarys are still the same; and, therefore, I am an humble Suiter to y'r Lo'ps y't you will be pleas'd to use y'r interest with his Majestie that the present deficiency may, (as has been done more than once before,) be supplied out of the Quitt rents. And I am the more encouraged to hope for this favour, if y'r Lo'ps will be further pleased to consider y't the same cause which has so much diminish'd the Fund of ye Two Shill'g ⁸/₁₀ hogshead has proportionably disabled the Country from supplying it by any other means till their Circumstances become better, submitting the other part of this address to such considerations as y'r Lo'ps shall judge it deserves.

It has been my constant endeavour, since my arrival here, to improve his Majesty's Revenue of Q't rents by removing the Abuses w'ch by a Long usage had crept both into ye manner of payment and of collecting thereof. In ye first year of my Administration, I got a Clause inserted in a Law, (w'ch I perceiv'd the people were fond of,) making ye non-payment of Q't rents for three years a forfeiture of ye Land, but tho' the words of y't Law seem'd very plain to me, yet I soon found the general Sense of ye Country agreed to put a different construction thereon, y't this forfeiture could only extend to lands thereafter granted. Whereupon, rather than venture putting this matter upon a decision in the Courts here, which would have avail'd little to ye ends propos'd, I again attempted, and at last obtain'd, in a Law pass'd in 1713, a Clause to be inserted, which put the matter out of all doubt, a Copy of which Clause is Subjoyn'd to ye Scheme herewith sent. This, together with another Act, pass'd at the same time, for preventing the frauds generally committed in all public Tobacco payments, having oblig'd the Owners of Land not only to give a just acc't of ye quantity of their Acres, but also to pay for ye same in tobacco of equal goodness and value to ye best of y't Commodity, I judg'd it necessary, in the next place, to reform ye Abuses of the Receivers of that Revenue. To this purpose, having prepar'd the Regulations and Scheme, of w'ch I send y'r Lo'ps the copy, I comunicated them to ye Council for their concurrence, telling them that tho' I was fully convinc'd, and was ready by sufficient reasons to convince others, y't these regulations were as just on themselves as beneficial to ye Crown, yet I was unwilling to put in execution any

new measures without ye Concurrent advice of ye majority of that Board. It may be easily imagined that a Scheme which introduc'd a greater exactness than ye Country had been accus-tom'd to, and which obviated so many unwarrantable practices, as by long prescription were come to be accounted no faults, could not but meet with great opposition, yet after a full debate upon every Article, the greater number of ye Council agreed to ye Regulations as they are here Transmitted. I offered to those who oppos'd the Scheme ye Liberty to enter their Objections or protest, so as it were done in Writing, and that I would give my Answer in ye same man'r, and then submit the whole to ye determination of our Superiors; but none of the p'sons concern'd have hitherto given me any of their reasons in Writing except the Receiver General, who, tho' he oppos'd the whole, yet has thought fit to confine his objections to one single Article, wherein his own case is chiefly concern'd. I here enclose to your Lo'ps those Objections and my Answers, and submit myself entirely to y'r Lo'ps' determination. And as y't Gent. is now going over to England, I doubt not y'r Lo'ps will do me the justice to admit of no other representations from him but what shall be as fairly stated and answered as this is. It is a difficult matter for a Governor, who has no other Assistance than his own hearty inclinations, to struggle against ye general Bent of a whole Country in rectifying Abuses confirm'd by long usage, but I have this Satisfaction, y't I am acting according to my duty, and I hope while I continue to promote ye interest of my Sovereign I shall be continued in his Ma't's fav'r, and have ye honor to be esteem'd by y'r Lo'ps, as I am with all duty and respect.

P. S.—There are two Officers, viz: ye B'p of London's Com'ry, and ye Attorney Gen'l, whose Sallerys during ye last two Reigns have been paid out of ye q't rents by particular directions of ye Sovereign, I hope I don't do amiss in continuing ye same paym'ts untill his Maj'tie shall be pleas'd to signifye his Pleasure therein.

*A Copy of ye Receiv'r General's Reasons in Writing to ye
Lieut. Governor against ye 6th Article of his new Scheme
for the better Collecting ye Quitt-Rents.*

1mo. Altho' the Crown might [save] 2 ₤'r Cent. on all such Payments as may be made to ye Reciv'r Gen'l which would not amount to forty Shillings in case he should Collect a whole County, yet I humbly hope that his Majesty will be so gracious to his Officers as to be unwilling to make so inconsiderable a gain at their hardship or Expence, especially since upon repealing ye Act of Assembly, pass'd in the year 1705, by w'ch the Salary of the Naval Officers was reduc'd from Ten to five ₤ Cent., we were given to understand y't her late Majesty would not, by the advantage of 4 ₤ Cent. to ye Revenue, be induc'd to lessen ye Sallarys of ye Officers, least they might be discouraged in their Duty.

2do. By the Constant method of Collecting ye Q'tt rents hitherto, ye Sheriffs, thro' whose hands they pass'd, had Ten ₤ Cent. on their Receipts, but [by] y'r Hon'r's Scheme their Salary is reduc'd to Five ₤ Cent., w'ch, considering how much their Trouble is lessen'd, may seem sufficient, provided they have it entire. But if the People be allow'd 3 ₤ Cent. more for paying their Q't rents to ye Receiv'r Gen'l, than they can have for paying them to the Sheriff, it must follow y't many will embrace this encouragement by w'ch the Sheriff's Advance will be lessened still more, and consequently their Diligence and Integrity discourag'd.

3tio. This will be likewise a great hardship to ye Receiv'r Gen'l, to whom each Sheriff or Sub-Receiver used to pay the whole Ball. of q't rents arising within his County. But now the Temptation of 3 ₤ C't. to the People will induce all those who live within a reasonable distance from ye Receiv'r Gen'l to pay their Q'tt rents by piece meal to him. This, y'r hon'r is sensible, will create a Great Addition of Trouble to ye Receiv'r Gen'l, for which y'r Scheme makes him no Allowance.

4to. 'Tis true, indeed, the Receiv'r Gen'l has a Sallary, but that Sallary was judg'd but a Competent allowance for ye Trouble which the former Practice was incident to ye Place, which

was for receiving ye Quitt Rents from ye hands of ye Several Sheriffs and accounting for ye same to his Maj'tie. This, I humbly conceive, is ye proper Business of a Receiver Gen'l, and not to Act as a particular Collector. I must own, indeed, y't by the former Usage I have receiv'd money for Rights and for Composition of Escheats from the People themselves, but that was because there was no other proper officer appointed for y't purpose.

5to. It may possibly be objected y't very few Persons will be at ye pains of paying their q't rents directly to ye Receiv'r Gen'l, to which I entreat leave to answer, y't supposing there should be but few of those, then certainly the gain to ye Crown must be too small to perswade y'r Hon'r to take them out of ye hands of the Sheriffs who were always ye proper Officers, and approv'd as such by the L'd Treasurer or Commissioners of ye Treasury in England.

6to. But on ye Contrary, there will in all likelihood be many such Payments made to ye Receiv'r Gen'l, for ye Advantage of 3 p c't will not only incourage ye Freeholders of the County where he lives, to pay their Q'tt rents to him, but also of the next adjacent Countys, and indeed the people of the whole Colony may do it if they please, and then ye Receiv'r Gen'l must Collect all ye Q't rents himself. This, I humbly conceive, is ag'st the Terms of his Commission against ye constant Practice in this behalf, and without Example in the case of any Receiv'r Gen'l whatsoever.

7mo. For these Reasons I humbly beg y'r Hon'r will be pleas'd to dispence with the Receiv'r Gen'l's Collecting any of the Q't rents himself, but that he may continue to receive them from ye Hands of ye Sheriffs who have, by an uninterrupted Practice, been accustomed to Collect them in their Respective Countys.

Which is humbly Submitted to y'r Hon'r, by, &c'a.

W. BYRD.

Jan. 27th, 1714 [1715].

The Licut. Governor of Virginia's Answ'r to each Paragraph of the Receiver Gen'l's Reasons against the Sixth Article of the New Scheme for the better Collecting the Quitt-Rents.

1mo. Not only the Two in ye Hundred is expected to be saved, but even ye Hundreds themselves to be encreas'd by so much of that Revenue as shall be brought to pass through fewer hands; for it is too notorious y't the many Persons concern'd in ye County Collections have not been contented with their just Salarys, but have made more considerable gains, and those always are proportionate to ye Receipts of quitt-rents w'ch fall under their Managem't, And I do not conceive how, by the new Regulation, I lay any hardship upon the Officers, unless the enjoying them to take more regular and faithful measures in Collecting his Maj't's revenues be reckon'd as such, for it is demonstrable that they are not to risk One Shill., nor write One Line, nor make One Step, nor write One Hour more than I judge they always were Oblig'd to. Neither do I know of any Additional Expençe they are like to be put to, And among the many Reasons w'ch her late Majesty was pleas'd, under her Sign Manual, to declare for repealing the Act of Assembly w'ch the Receiv'r Gen'l points at, No exception was taken to that Clause w'ch reduc'd the Naval Officers' Salarys, but what was Objected concerning the Officers was, that the Naval Officer and Collector, by a Clause in that Act, could take from a Virginia Owner of a Ship no more than half the Fees which a British Owner was bound to pay, So that I must retort upon Mr. Byrd a truer State of ye Case, viz't, that it is not my Scheme, but the practice of those who still pay but half fees for their Ships, that runs Counter to ye declared Will of our Sovereign.

2do. By how much the Sheriff's Collection of ye q't rents is diminished, by so much is their Trouble lessen'd, for they are paid by the Public, and obliged by Law to attend at Certain places to receive the Levies, and if at the same time the People will not pay to them their q't rent, but chose rather for ye Lucre of 3 $\frac{1}{2}$ Cent. to carry it themselves to the Receiv'r Gen'l, I do not then perceive any Service perform'd by those Officers w'ch remains unpaid for. If their Salary be adequate to their

Service, it is all that ought to be expected without creating unnecessary Service to sink his Maj't's Revenue in Salaries, And if it be a reasonable Plea for ye Sheriffs that, for the encouragement of their Diligence and Integrity, they should have a Larger Share than is needful in fingering the quit-Rents, then every Constable in the Government may as justly put in the same Claim.

3tio. If the Receiver Gen'l ought to keep no other Accounts of this Revenue than only to enter down in Writing ye Sum Total w'ch the Sheriffs for each County pays him, I must confess my Regulation carves him out more business, but if conformable to the 31st and 83d Articles of the Royal Instructions it be his Duty to keep fair Books of Accompts, whereby may be discovered from w't Persons, for what quantity of Land, and for what Time any Arrears of q't rents remain due, then it will appear that the mighty addition of trouble created by my Scheme will not amount to a great Hardship. For if the Sheriff pays him the quit-rent of a whole County, ye Receiv'r Gen'l has as many Names of Persons, as many Tracts of Land, and as many Sums of Money or Tobacco to enter in his Books, and has, (it is to be hoped,) almost as much Money, the same Bills and ye same Tobacco Notes to receive as if the Proprietors came and discharg'd it themselves. He is neither confined to extraordinary Attendance, nor enjoyned to move one Step from his habitation or his Office, so that I see no just pretension to an Additional Allowance.

4to. I judge it to be the proper business of a Receiv'r Gen'l to do his utmost to improve the Revenue he is entrusted with, and that his Salary was never Assign'd him with an intention he should set still and not Attempt to reform the grossest Mismanagements and most fraudulent Collections that ever was known in a Revenue. This, if it be denied, shall more particularly be manifested.

5to. If there be no Contrivances used to discourage People from coming to pay their Quit Rents directly to the Receiv'r Gen'l, I shall not suppose y't their number will be very few. And if the Lord Treasurer or L'ds Commissioners of the Treasury have always approv'd of the Sheriff's Collections, I am sure they never have been justly represented at home. Their Lo'ps have not been acquainted that tho' those Offices are dispos'd of

to the Gent. of the Country, yet they are comonly executed by the baser sort of men whose interest it is to act more for ye Advantage of the high Sheriff than of the Crown, (for to be sure ye most profitable Deputy or Farmer will be employ'd by the Succeeding Sheriff,) and then when the Substitute has been transacting ye Whole, ye high Sheriff, who often knows nothing of the matter, comes to the Auditor and Swears upon the best of his knowledge to ye justness of his Acc'ts, and as he never produces particulars of each Tract of Land for which Q't rents are paid, there is scarce a possibility of ever detecting any Fraud or Error in his Collections. For these dark methods and many others, w'ch shall be mention'd if requir'd, the Sheriffs may be those who grudge his Maj'tie ye Revenue of Q't Rents, be judg'd the most proper Officers to Collect it, but I presume their Lo'ps now will hardly approve of them with their Old Practices.

6to. I have no hopes, and the receiv'r Gen'l need have no Fear y't the People of ye whole Colony will ever be perswaded to come and pay him their Q't rents, unless, indeed, he should be order'd to take a progress once a Year through the several Countys. But this I do not offer to enjoyn Submitting it to those who best know whether by Terms of his Commission he was intended to be an Officer merely Honourary.

7mo. I cannot be so unfaithful a Servant as to forbear a Regulation w'ch I am fully perswaded is greatly for ye interest of my Royal Master, and w'ch does no wrong to any of my Fellow Subjects, for tho' a diminution of the Sherriff's proffits may be objected and an uninterrupted Practice pleaded in their behalf; yet, as they are but annual Offices and generally solicited for, no Person can say he is injured.

But, both this and every other Article of my Scheme, w'ch the Receiv'r Gen'l has generally disliked and opposed, (tho' he has thought fitting to give in Writing his Objections only against this part of it,) is entirely Submitted to ye most Hon'ble the L'd Treasurer or Lords Commiss'rs of the Treasury, by their Lo'p's

Most Dutifull and

Most Obedient Humble Serv't,

A. S.

January 27th, 1714 [1715].

To ye Bishop of London:

MY LORD:

The Letter y'r Lo'p did me the hon'r to write of ye 2d of June, came very seasonably to my hands two days before my setting out on Progress for putting in execution the Treatys I made with the Indians, and gave me the greatest Encouragement to bare with abundance Fatigue and hardships I mett with in no less than a Six Week's constant abode in the woods. It was then I formed a settlement on the Frontiers for ye Tributary Indians, pursuant to their Treatys, and by the Temptation of a fine Tract of Land of Six Miles Square, the building a Fort thereon and placing a Guard of Twelve men and an Officer to be assisting to them, I engaged the Saponie, Oconeechee, Stuckanox and Tottero Indians, (being a people speaking much the same language, and therefore confederated together, tho' still preserving their different Rules,) immediately to remove to y't place, which I have named Christ-Anna. I have hitherto met with some difficulty to remove the Nottoways, in regard of their unwillingness to live in the neighbourhood of the Saponies, and that the place at which I intended to have seated y'm did not answer the Character I had of it, but by the means of a late Act which I have obtained to be pass'd in the Assembly here, confining all the Trade with ye Indians on ye So. Side of James River, (which are the most considerable of all our Tributarys,) to Christ-Anna alone, I doubt not I shall be able to engage all those Indians in a short time to remove thither. It could not be expected that this new design of converting the Indians should meet with abundance of Encouragement from a people who for so many years have neglected it as unworthy of their care, nor that at the time when the Country labours under great Streights by the decay of their Trade, they should be induc'd to contribute much, considering too, ye pernicious temper of their Assemblys. Yet, that y'r Lo'p may see how much the disposition of ye People is allured in relation to ye Conversion of the Indians, I send the inclos'd Copy of part of my Speech at the Opening ye last

Session of Assembly," and the Ho. of Burgesses' answer thereto, w^{ch} contains their Approbation of that Undertaking. After this Point gain'd, It became the more easy for me to draw 'em to the passing the above mentioned Act for the better regulation of the Indian Trade, by which that Trade is not only confin'd to ye Settlement at Christ-Anna, as is above related, but a Company is establish'd for carrying it on, who has, as they have, the Sole benefit thereof for 20 years, are under an Obligation to contribute towards the Education of the Indian Children, namely, by erecting forthwith, at their own Charge, a School-house at Christ-Anna, and by applying part of the Forfeitures arising by that Act towards the maintainence of such Children as shall be educated; And as a further encouragement to the Indians themselves, a privilege is granted to those educated at the Colledge or at the School, to hold any Place of Trust or profit under this Company, which, by former Laws of the Colony, they were prohibited to do. I am now endeavoring to get Gentlemen to subscribe towards Establishing this Company, being perswaded it will be as much for ye benefit of the Country as conducive to the principal end I had in forming it. And, therefore, I most humbly beg your Lo^p's favourable Recommendation, where you shall judge it proper, for obtaining His Maj^{ty}'s License to incorporate this Company by a Charter under the Seal of the Colony, for the term of Years mention'd in this Act, at least, if there should be any intention of Repealing the Act, that y^r Lo^p will be pleas'd to interpose y^r good Offices for preventing such a Resolution by representing how much such a Regulation of the Trade with the Indians will contribute towards their Conversion, and how great a Charge will be saved to ye Government by transferring the whole Expence of keeping up ye Fortifications and maintaining ye guard at Christ-anna upon that Company after ye first of Decemb^r, 1716. Besides the Advantages arising to His Maj^{ty}'s Service by the Obligation the Company is under to take all their Powder out of his Maj^{ty}'s Magazine here and to return a like quantity of fresh powder from time to time in lieu thereof, which is particularly provided for by the above Act.

^a For this speech, see *Va. Hist. Register*, iv, pp. 8-11, and *So. Lit. Messenger*, xvii (1851), pp. 585-604.

The General Assembly having entrusted me with a Sum of Money for finishing the Fort at Christanna and for defraying the Charge of ye guard for 2 years, I intend, God willing, in the month of March, to take another Progress thither, and to stay about six weeks or Two months, both to see the Trade settled and to encourage the Other Tributary Indians to remove thither, as well to influence by my presence the putting their Children to School. I have already establish'd there a School-Master, one Mr. Charles Griffin, at the Salary of fifty pounds a year, which I have engag'd to pay out of my own pockett during my continuance in the Government, or that other provision be made for him. At this School I intend not only that all ye Children of the Saponie and other Indians aforementioned shall be educated, but y't the Nottoways shall also, according to their Treaty, send Twelve of theirs untill further provision be made for a School at their own Town, and as ye Person I have pitch'd on for this Emyloym't is heartily inclined to the Service, and the fittest I could have found, I cannot have but great hopes of the good Success of these, my endeavours. I had also treated with one Mr. Forbes, a Clergyman, to settle in the same place, and promis'd him a Salary of four score pounds £ ann., but his retiring soon after into a married State, has chang'd his inclinations; however, as y'r Lo'p will observe, the establishment of a School-Master will be sufficient for ye present till a Congregation be prepared. I have entertain'd y'r Lo'p ye longer on this Subject, hoping thereby to perswade y'r Lo'p of my sincere intentions to accomplish this good Work for which such a foundation is already laid. I doubt not y'r Lo'p's zeal will prompt you to solicit his Maj't's Royal Bounty in this behalf, And then, if his Majesty shall be pleased to continue me here, I make no question to bring it to perfection, but I must say that any other Governor would find it a Work of more difficulty, since it has cost me a great deal of pains, and no small Expence, to gain that Credit I have with the Indians, besides, that the whole fund for the present maintenance of y't Settlement is, as well as other Sums for carrying on sundry considerable Works by the Assembly, solely entrusted to me, and not to the Governor, for ye time being, So that my removal would be as injurious to the Country as to my own private Circumstances, Wherefore, depending upon y'r Lord'p's

Goodness, I take the liberty to send the enclos'd paper, by w'ch y'r Lo'p may be furnish'd with some Arguments in case any new Favourite should desire to be gratified with this Post. If y'r Lo'p should be desirous more particularly of knowing how much the Country is satisfyed with my Administration, The Addresses of the House of Burgesses of ye 24th of Novem'r, and of ye 16th and 17th of December, which go by this Conveyance to ye Board of Trade, as well as several others of the like nature in former Sessions, will be a sufficient Testimony of ye good Agreement between us, and the Addresses of all the Clergy of Virginia lately met in Convention, (whereof the enclos'd are just Cops, the Originals having already been transmitted to y'r Lo'p by Mr. Commissary Blair,) will farther testify that y't Reverend Order too is easier under my Governm't. Among ye Indian Children, now educated at the Colledge, there are several that can read and write tolerably well, can repeat the Church Chatechism, and know how to make their responses in ye Church, both the parents, and the boys themselves, have shewn a great desire they should be admitted to Baptizm. I laid their Case before ye Convention of ye Clergy last Decem'r, but found them divided in their opinions, some agreeing y't they might, but the greater Part that, (not being born of Christian Parents,) they could not be baptiz'd till they were capable of giving an Acc't of their Faith. I urg'd the Case of Negros, who are often baptiz'd here in their Infancy, tho' not born of believing Parents, but to this it was answered y't these had Masters and Mistresses to Stand Suretys for them, who could with more reason answer for their Christian education, in regard they were their Servants for life, Whereas these Indians, being free, would not so much be under the inspection of their God-fathers. Your Lo'p will best judge which of these Opinions ought to be followed. Submitting to y'r Lo'p's consideration whether ye School Masters who have those Children under their tuition, and 'tis probable will take more pains to instruct them in the principles of Christianity than most Masters do of their Negros, may not be as fit to be their God-fathers. Upon which I humbly pray y'r Lordship's answer and Advice.

It being usual, at the beginning of a new Reign, to renew the Govern'r's Commission and Instructions, I beg leave to remind y'r Lo'p of getting Mr. Jno. Robinson Nominated of the Coun-

cil, w'ch I perswade my Self will not be refus'd to me of y'r Lo'p's Family, and who has besides all the qualifications requisite for that Trust.

When I return from ye Indian Settlements I shall be better able to answer the particulars of the scheme desir'd by y'r Lo'p. In the meantime, as to what y'r Lo'p mentions of the persons fitt to be intrusted with the money which shall be obtain'd for propagating the Gospel among the Indians, my Sentiments are to engage yerein the principal Officers of the Government, the Gov'r, or Command'r in Chief for ye time being, the President or first of the Council, the Commissary, the Receiver Gen'l, Auditor of the Revenue, President and Chief M'rs of the Colledge, Attorney General, Survey'r Gen'l of the Customs, Judge of the Court of Admiralty, and Speaker of the House of Burgesses, with an Addition of so many of the Clergy as will make the number 25 in all. If y'r Lo'p approves hereof, I shall endeavour to engage these Gent'n, believing it may be of advantage to ye design on hand to have such a Society subservient to ye Grand Society in England, and perhaps it may not be improper to endeavor, nor difficult to obtain a Charter for incorporating them, And if any five be allow'd to be a Quorum for transacting of business, it will then be managed with a great deal of Ease, tho' ye more persons that are engaged will render the Concern more generall. The Chief encouragem't for carrying on this work being the expectation of his Maj't's contributing thereto out of ye Q't rents it is necessary y'r Lo'p should be inform'd that the last Session of Assembly ye Council and Burgesses joy'd in Address to his Ma'tie, begging, or rather demanding, the whole Revenue to be applyed for ye support of the Government, and that for no other reason than there is at present a deficiency is the revenue establish'd by the Country for that use. This Address being presented to me, and at ye same time to my Self bespeaking my recommendation, I'm under an indispensable necessity of Transmitting it home, (as I do by this Opportunity,) and I should have very readily joyn'd with, that the present deficiency might be supplied out of the Quitt rents, as it has been twice before, but that his Maj'tie should divest himself forever of that Revenue, and be thereby depriv'd of the means of promoting such good Works here as is the present Undertaking for Converting

the Indians, ye Assisting ye Colledge, and the providing for other extraordinary Occasions according to ye Example of his Royal predecessors, is what I can by no means come into. 'Tis probable y'r Lo'p may be solicited to favour this Address by some of the Persons who, without my knowledge, Contriv'd it, and drew in the Burgesses to joyne in it, and therefore I thought it not amiss to give y'r Lo'p this hint, that you may be prepar'd ag'st such measures as are so destructive to those pious designs w'ch I am now perswaded your Lo'p has very much at heart. I fear I have given your Lord'p too large a share of trouble in this, and shall conclude with begging y'r blessing, and Leave to Subscribe.

January 27, 1714 [1715].

To ye Lords Commissioners of Trade :

MY LORDS:

It was the 26th of last Month ere I had the hon'r to receive y'r Lo'ps' letter of ye 11th of August, with the Orders for proclaiming the King, sign'd by the Lords of his Maj't's hon'ble privy Council; if there were any other Com'ds of y'r Lo'ps sent by that Conveyance, they are Certainly lost, the Vessel in which they were dispatch'd being cast away on the Coast of New England, and every Man perished, but so many of the Pacquets as floated Ashore being taken up by the Country people and carryed to Colo. Dudley; one Pacq't was dispatch'd hither over land; however y'r Lo'ps will be inform'd by my letters of ye 25th of October and 1st December, that this misfortune has not retarded the proclaiming his Maj'tie, w'ch was done on the 19th of October, (upon the notification sent me by the Secretary of State,) with the Universal concurrence of the people of this Colony.

This General Assembly, w'ch at ye date of my Last letter was conven'd, ended their Session on ye 24th of last Month, and as the mutual Confidence between me and them will fully appear to y'r Lo'ps by the Addresses in the Burgesses Journal of ye 24th of Novem'r and 16th of Decem'r, so I hope the General proceedings of y't Session will prove to y'r Lo'ps' satisfaction.

They are now prorogu'd to ye 21st of April, ye Law of this Country for continuing Assemblys in case of ye Demise of the Sovereign giving them power to act for 6 Months and no longer, from the time of their first meeting after such demise. Your Lo'ps will herewith receive the Copys of the Journals and laws pass'd last Session, upon w'ch, as I am directed by the Royal Instructions, I shall proceed to give you my Observations. The manner of carrying on the Trade heretofore with the Indians has not only been the occasion of frequent quarrells between y'm and ye English but at last proved the entire loss of that Commerce. Abundance of loose people imploying themselves in that Trade and having no Stock of their own were obliged to purchase goods at a dear rate and thereby either to become losers by the bargain or to use such Frauds in their dealings with the Indians as have too frequently incited them to revenge the injustice by private murders. No orders of the Governm't could be effectual to restrain those people from trading, even when upon an Open breach with the Indians it has been found necessary to prohibite their Trade. By w'ch means the Indians have been encourag'd to continue their Hostilitys; but for remedying these inconveniencys an Act is now pass'd for the better regulation of the Indian Trade, by which all trading with Indians within this Government is limited to one place, and that too in Open Market. This will prevent all Fraudulent practices with the Indians, and being to be carried on at the new Settlement w'ch I have lately made on ye Frontiers, will engage all our Tributarys to fix there for the greater Convenience of their Trading, whereby that place will become a sufficient Barrier against the incursions of any Forreign Enemy, but because y's Trade with forreign Indians, (which, in times past, were very beneficial to ye Country, and is now, by the ill management of private persons, totally lost,) cannot be retriev'd nor effectually managed without a greater Stock than any private P'son concern'd in y't Trade could adventure. Provision is made in this Law for erecting a Company, who are to have the sole privileged of the Indian Trade for twenty years, unless his Majesty shall think fitt to dissolve them sooner. This Company are to contribute towards erecting a Magazine for his Ma'tie's Stores of War, and to take from thence all the Powder used in y't Trade, delivering in at ye same time a like quantity of fresh

Powder, whereby the Powder belonging to his Maj'tie will be still preserv'd from decaying. They are also to erect at their own Charge a School House for ye Indian Children at the new Settlement of Christ-Anna, and after two years' time to take upon them the whole Charge of maintaining the fortifications of that place, and a guard of Twelve men and an Officer, which at present is maintained at a considerable charge to ye Country. Sundry other regulations are made for ye better Government of ye Indians, and making them useful instead of being (as heretofore) a burden to the Country. And as a foundation hereby laid for a just way of dealing with them, I doubt not that will also prove an Encouragement to bring them over to Christianity. In fine, as there are abundance of benefits likely to accrue to the Country by this Act, I am not sensible of any inconveniency it may occasion either to his Majesty's Service or ye interest of the Colony. The Trade will now be more extensive than ever it was before. People who, through ye remoteness of their Living, had formerly no thought of applying themselves to any dealings with the Indians, are now willing to venture their money under ye managem't of this Company. And if it be consider'd y't this Commerce is solely to be carry'd on by the Manufactures of G't Britain and ye produce returned thither for sale; that his Maj't's Powder, which used heretofore to lye spoiling in the Country, will now be kept in a Condition fitt for service, and y't whenever ye Safety of ye Governm't shall require ye Shutting up ye Indian Trade, a Govern'r has it in his power to Stop all Supplys of Ammunition from ye Indians, w'ch is the surest way of bringing y'm to reason, I doubt not y'r Lo'ps will not only approve this Act, but use y'r Interest with his Maj'tie for giving leave to pass a Charter in favour of the Company.

The Act for exempting certain German Protestants from ye payment of Levys, and is made in fav'r of several Familys of that Nation, who, upon the encouragement of the Baron de Graffinreed, came over hither in hopes to find out Mines, but the Baron's misfortunes obliged him to leave the Country before their arrival. They have been settled on ye Frontiers of Rappa. and subsisted since chiefly at my charge and the Contributions of some Gentlemen that have a prospect of being reimburs'd by their Labour whenever his Maj'tie shall be pleas'd, by ascer-

taining his Share to give encouragem't for working those Mines, and I hope the kind reception they have found here will invite more of the same Nation to transport themselves to this Colony, w'ch wants only industrious people to make it a flourishing Country ; The unseasonable weather last Summer having very much lessen'd ye Crops both of Corne and Tobacco, I could not, but in Compassion to abundance of poor People, recommend to the Assembly to give them some ease, as well in ye payment of their private debts as of their public dues, and accordingly the Act for relief of such persons, as by reason of the drought of that Summer have made small quantitys of Corne and Tobacco, and has made such provision therein as the People are well satisfied with, and at the same time that an indulgence is granted for shipping off w't old Tobacco could not be exported before the Tobacco Law took place w'thout making it lyable to ye strictness which is requir'd for Stamped Tobacco. Care is also taken to prevent the fraudulent exportation of any bad Tobacco out of the Colony. The Act for preventing the malicious burning or destroying the Public Storehouses of Tobacco, [as to this,] Agents may seem to intimate a more general Aversion to the late measures for improving the Staple to Tobacco than there really is among the People. 'Tis only the meaner unthinking sort that reflecting only upon the present trouble it gives them, without looking so far as the future advantage they will reap thereby, give themselves more than ordinary liberty in talking while all the better sort of people are very sencible of the benefits of such a Regulation. And tho' by the Laws of England burning of Houses is Felony, Yet it was thought not improper to make known to ye people what punishment persons guilty of such a Crime are to expect by a Law of their own. The Act for preventing frauds in tobacco paym'ts is, by an Act made this Session, continued for one year longer. And as ye preamble of y't bill set forth part of the reasons for prolonging it, So I beg leave to add another Cause of my endeavouring to lengthen the time, Which is, That since so great an Allowance is granted by the late Act of Pàrliament upon damag'd Tobacco, Neither the Merch't nor planter might have it in their power to turn this indulgence to ye prejudice of the Crown by shipping off from hence unsound Tobacco, which costs nothing, and getting the Allowance thereon at the Custom

house, for by such a practice a very consid'ble part of the dutys of all the good Tobacco would be drawn back by an Allowance on that which is bad. And tho' the Assembly could not be prevail'd on to make their Law of equal duration w'th the Act of Parliament, yet I'm in hopes, when they have a little experienc'd the Advantages arising by the present measures, They'll be desirous to continue it even for a longer time. The Act made in ye Year 1710 for preventing of Abuses in tobacco shipped on freight being found beneficial to ye Country, and such as had not been complain'd of by any of the Masters of Ships during ye time it has heretofore been in force, is now by an Act pass'd this Session made perpetual.

The Act to supply the defects in the Act for laying a Duty on Liquors and Slaves, and the Act for the further Continuing ye s'd duty on Liquors and Slaves being only intended for a further provision to pay of[f] the debts of the Country already contracted, and to keep up their public credit, with a suitable care to prevent frauds in the payment of that Duty, I hope Neither of these Acts have in them anything which will be disagreeable to y'r Lordships. It is a great Satisfaction that I can now acquaint your Lo'ps that an Act is pass'd for erecting a Magazine, whereby not only a place is provided for lodging ye powder which her late Maj'tie was graciously pleas'd to send over for the public [use] of this Governm't, but Sallarys are Establish'd both for Store keeper and an Armourer. The want of such a provision heretofore has been the Occasion that most of ye Arms sent in for ye Service of this Country are become almost utterly unserviceable, and the Ammunition for ye most part spoil'd or embazelled, but now I doubt not to keep what Arms there are in the Country in good Condition, and by the means of this Act and the provision made in the Indian bill, to have constantly a supply of good powder ready for all occasions that may happen. Y'r Lordships will observe by this bill that the money appropriated for building the Magazine is entrusted solely to my management. A Confidence w'ch I have gain'd from y'm by offering to advance my own money, without Interest, towards that building, since their present ffunds are so much anticipated that they could not possibly raise even that Sum in a considerable time.

I have in my former letters intimated to y'r Lo'ps the disad-

vantages arising to ye Trade of this Colony by the unequal Rates at which Gold Coins have passed here, and all much inferior to ye Currency in the other Plantations. This having lessen'd very much ye Current Cash of the Country by drawing from hence all the Gold and British Silver Coin. Upon the general direction I rec'd from y'r Lo'ps in y'r Letter ye 23rd of April, 1713, I have consented to y'r passing an Act for regulating and settling the Current rates of Gold Coins and British Silver Coins in this Dominion, w'ch now bears an nearer proportion to the rates formerly settled for forreign Silver Coins, tho' both much lower than what is practis'd in the Neighbouring Colonys, yet 'tis hoped this Regulation may hinder the export of a good part of our runing Cash, and since there is an exception of all his Maj'tie's revenues and of debts contracted in England, It will be no detriment to ye Interest of the Crown nor injury to the Trade or Great Britain. The Act to oblige Owners and Occupiers of mills, to which public Roads shall lead, to make ye damms of such Mills 10 foot wide at the top, is no otherwise remarkable than as it will be a testimony to y'r Lo'ps' attention of a Commendable disposition in the people of this Colony to make their public Roads convenient.

The Act to repeal part of the Act giving a Reward for killing of Wolves, and for lessening such Reward⁴⁸ was made upon the Complaint of the Inhabitants of the Frontier Countys where wolves are most numerous, that the whole charge of destroying those noxious Creatures fell upon them, And, therefore, ye Assembly have, with a great deal of Justice, thought fitting both to lessen that Reward and to levy the Charge upon the whole Country in General.

Upon a representation from the Inhabitants of the Countys of Princess Anne and Essex, that the times appointed by the County Court law for the holding their Courts were inconvenient, as interfering very often with the Courts of ye adjacent Countys, An Act is pass'd for altering ye Court days of those Countys, but as I have always look'd upon it to be the prerogative of the Crown to fix both the times and places for holding his Maj't's Courts, I have got a Clause added to this Act for saving his

⁴⁸The reward was reduced from 200 lbs. to 100 lbs. of tobacco for each wolf killed. *Henning iv*, p. 354.

Maj't's prerogative in both these points, and cannot forbear offering to y'r Lo'ps my humble Opinion that the Greivances of ye People would be more speedily redressed if his Maj'tie shall be pleased by an Instruction to the Governor to grant a Gen'l Power, (upon the application of the principle Inhab'ts,) to alter both the time and place of holding any County Courts since, notwithstanding several Countys by new Settlements are of late increas'd to a very large extent of ground. The Court Houses shall Continue as they were when those Countys were first erected, nor can the People ever agree among themselves for remedying this Inconveniency, or obtain redress in the Assembly, unless it happen that ye Burgesses of the County be chosen out of that remote precinct, besides, it has been ye practice in some parts for ye Justices, of their own Authority, to alter the place of their sitting, but w'th so little consideration for ye ease of the People that wherever their Designation has taken place, they have only consulted their own Conveniency or private Advantage. Neither is there any law of this Country to warrant their proceedings, and much less are they in my Opinion justifiable by any precedent from the Practice of England.

It has not been usual to give y'r Lo'ps ye trouble of any particular Observation on ye Act for raising a public Levy, but the present Act being of nature different from any other that ever pass'd here, as I can find, I beg Leave to explain the occasion upon which it is grounded.

The last Assembly an Act pass'd for continuing the rangers, with power to me disband as many of 'em as I thought fitt, and to apply the pay, which would have been due to them had they continued, to such other uses as I should judge necessary for the security of the frontiers. In pursuance of this Trust I took a progress last Septem'r cross the Frontiers of this Colony, and having form'd a Settlement of the Tributary Indians on Meherrin River, erected a fort and appointed a guard of twelve men and an Officer to reside there and to accompany the Indians in their ranging for securing that Frontier against any forreign Enemy, and also erected another fort on ye So. Branch of Rappahannock River for ye German Protestants, whom I have mention'd before, to serve as a Barrier against the Northern Indians. I thought it necessary for the ease of the Country to disband all the Rangers except 24, and by that means having

saved so much of their pay as will support these 24 Rangers for two years to come. The Assembly were so well satisfied with the frugality of that management, that they very readily agreed to my proposal, (which y'r Lo'ps will find in the Journal of Council in Assembly of the 17th of Decem'r,) and have accordingly made provision in this Act for levying the pay of those rangers in the two respective succeeding years, without laying me under the necessity of calling on a Assembly to defray that Charge, as has been usual on former occasions. Y'r Lo'ps will observe that the several Sums of Tobacco rais'd in these years for the Rangers, is appointed to be paid solely to me, And if his Maj'tie shall be pleased to continue me here till the determination of that time, I hope to give them so good an Acc't of the just disposition of what they must have raised, that the mutual confidence between us will be thereby more and more improved to his Maj'tie s Service, and that it will not thereafter be so difficult to prevail with an Assembly to trust a Governor on extraordinary Emergencys to raise a Tax upon the people, which is a matter that hath often been recommended by Instructions, and communicated to ye Assembly, but as often rejected by y'm. Besides these public Acts there are three others of a less general concernment relating to the ringing of Hoggs, which, however trifling in themselves, may serve to show how great an Alteration there is in the temper of ye People, since even, in my time, it was enough to loose a man's election as a Burgess, that he had shew'd the least inclination towards the ringing of hoggs.⁴⁸ There was one other Act prepar'd this Session, Entitled an Act to continue an Act for security and defence of the Country in times of danger, which y'r Lo'ps will perceive by the Assembly Journal I refused to pass, because it having been once re-enacted before, and now again made temporary, it would have been contrary to one of the Royal Instructions, which prohibites ye re-enacting any temporary Law for the good Governm't of the Colony more than once without his

⁴⁸ This was probably a requirement that hogs allowed to roam at large should be controlled in their depredations by rings passed through the under part of the nose. There were various enactments, 1691-1705, for the marking of hogs owned by the tribes of tributary Indians, and by the whites, that they might be duly identified. See *Hening* iii.

Maj't's express Consent. And tho' the Council, notwithstanding I communicated to them that Instruction, concurred with ye Burg's in passing that Act, yet it is evident they were not very unanimous in it, since y'r Lo'ps will observe, by comparing the Assembly Journal at the time of its passing on ye 22d of Decem'r, with the Council Journal of ye 24th of the same month, that the absence of One Member of that Board alter'd their Opinion so much, that the major part advis'd me not to pass it, And indeed had the Opinion been otherwise, I would have thought myself obliged to reject it, not only in conformity to ye Royal Instructions, but in regard I have found it by experience, notwithstanding its precious title, to be a very useless Act.

I cannot forbear taking notice to y'r Lo'ps on this head of a strange distinction made by some of the Council that their acting in ye General Assembly and at the Council Board are two different Capacities, That, as an Upper House of Assembly, they may concur in making Laws, which afterwards, when their Opinion is ask'd as Councillors, they may, nevertheless, think unfitt to be pass'd. This Distinction was first begun in ye time of Colo. Nott's Governm't, and was now made use of in the case of the Act just mention'd, but with what reason I must submit to Y'r Lo'ps' better Judgment, only taking Notice that if, as an upper house of Assembly, they can separate themselves from the duty of Councillors they are under no Oath at all, And if such a distinction be allowed it may be hereafter extended to other occasions of the Government, And then y'r Lo'ps will please to consider how little Assistance a Governor can hope for from such Councillors.

Having thus dispatch'd my Observations on the Laws herewith sent, I am now to acquaint y'r Lo'ps of another Transaction in the Assembly somewhat out of the Common Road. It is an Address of the Council and Burgesses to his Majesty concerning the Quitt Rents, mention'd in the Journal of Council in Assembly 16th and 17th of December, wherein they remonstrate against ye late practice of remitting the q't rents of this Colony into the Exchequer of England, and pray that they may be directed back into their old Channell, (as they term it,) and that not only the present deficiencies of the public Revenue, but all other extraordinary expences of the Governm't may be defrayed out of the same. At the same time y't they prepar'd this Ad-

dress they presented another to me, to bespeak my recommendation, but as I had no part in ye forming of this design, So y'r Lo'ps will observe, by my answer in the 30th page of the same Journal, how little I approv'd of their proceedings. I must own with them that the deficiencys of the Revenue of 2 Shill's ~~3~~ hhd. have more than once been supplied by an exhibition out of the Quitt rents; And I am an humble Suiter to y'r Lo'ps for y'r good Offices with his Majesty that the present deficiency may be supply'd in the same manner, it having been occasion'd chiefly by the discouragem'ts under which the Tobacco trade hath layn for some time past. But, nevertheless, I am far from thinking it reasonable that his Majesty should be petitioned in the beginning of his reign to divest himself of his whole Revenue of Quitt rents, and thereby be disabled from promoting such other Service as his Maj'tie may think proper to undertake for ye Advantage of this Colony. However, I have transmitted this Address to ye Lords Comiss'rs of the Treasury as a matter proper for their Cognizance, and so shall dismiss it after taking notice of some Remarkable Circumstances that this Address had its Rise from the Council, and that none were so forward in it as the persons whose duty I should think obliged them rather to oppose all measures that tended to ye diminution of his Majesty's Interest, but were nevertheless ye most active to engage the Burgesses to concurr with them therein.

The many undue Practices heretofore used in the payment of His Ma'tie's Q't rents was one chief Motive of my forming the Plan of the late Law for preventing frauds in Tobacco payments. And as by obtaining that Act I have advanc'd the value of the Quitt rent Tobacco, I thought it was also necessary to obviate the many Abuses in the manner of collecting thereof. To which purpose I form'd the Regulations and Scheme w'ch your Lord'ps will find in the Council Journal of the 8th of Decem'r, and notwithstanding some opposition I met with therein, (where I least expected it,) every Article, after a full [discussion,] was agreed to by a majority of the Council. And tho' I am well satisfy'd that ye Methods propos'd therein will be advantageous to His Maj'tie, Yet, that I might remove all prejudices against a Scheme w'ch I must Acknowledge is very different from the former practice, I desir'd the Opponents to put their Objections in Writing, and y't I would return my Answer in ye same man-

ner, and leave the whole matter to ye determination of our Superiors. None of the Council have yet offered any such Objection except ye Receiver General, who, though he was against the whole Scheme, has thought fitt to turn his Argum'ts upon one Article. I herewith transmit to y'r Lo'ps his Objections, and my Answer to both which I beg Leave to referr; and as y't Gentleman is now going home, I pray y'r Lo'ps will do me the Justice to admitt of no Representations from him but what shall be fairly stated and answer'd as this is.

With this y'r Lo'ps will receive the Accompt of the 2s. ³/₄ hogshead for last half year; the Accompt of the public Tobacco charges levyed last Session; the Accompt of Births and Burials for ye last half year, and the list of the present Officers of the Government, together with the Copy of a Proclamation issued since the last time of my Transmitting ye public papers.

January 27th, 1714 [1715].

To the Commissioners of ye Customs:

GENT :

While you have a Survey'r Gen'l here on ye place. It will be less necessary for me to trouble you with my observations on ye Trade of this Country or the behaviour of y'r Officers. But as the inspection of ye other parts of his Extensive District will frequently require his absence from hence, as he is at present at Jamaica, I shall on such occasions transmitt to your Board what accounts I judge necessary for y'r information, Confining myself at present to what has intervened during ye Surv'r Gen'l's absence.

I doubt not you have receiv'd advice of ye arrival here of French Ship, call'd the Galliard of Rochelle, at a time when I was out on a progress among ye Indians at some distance from ye Inhabitants. Mr. Keith's⁴⁴ being then here, imediately put

⁴⁴ William Keith, subsequently knighted, then Surveyor General of the Customs in America; died November 17th, 1749, in England; Governor of

waiters on board to prevent ye runing of any of ye West India Goods wth w^{ch} y^t Ship was loaded, and being then on his departure to visit ye Northern plantations, did, (according to the diligence and exactness I have observ'd in all his Managem^t of the Affairs under his Care,) leave such plain Instructions in Writing with Mr. Luke, in whose district the Ship Lay, as no man but himself could possibly have mistaken, and because there was then, and for sometime afterwards, a probability of repairing the Ship, so as to proceed on her Voyage, for w^{ch} there would have been a Necessity for allowing some part of the Cargo to be dispos'd of, he expressly directed Mr. Luke in that, or any other Case wherein he might want advice, to apply to me and follow my orders, And as his acting otherwise has been one of the reasons of his Suspension from his Office, I shall take ye Liberty briefly to informe y^r Hon^{rs} of his behaviour therein, refferring for other particulars of his Charge to the Affidavits transmitted from ye Survey^r Gen^l to Mr. Manley.⁴⁶ Soon after my return, the Super Cargo And officers, Judging the Ship incapable of being refitted, applyed to me for liberty to dispose of their Cargo, but I considering y^t such a permission might be a dangerous precedent for others of y^t Nation to carry on a Commerce to these plantations, under a pretence of coming in Vessells unfit to go to Sea again, positively refus'd to allow the Sale of any more than should be absolute necessity for ye Subsistence of ye Ship's Crew, untill they could find a passage either to Europe or ye West Indies, and accordingly writt ye Letter, (of which I send herewith a Copy,) dated ye 25th of Octob^r, directed to Mr. Luke and the persons then acting as Naval Officers. This letter came first to the hand of the latter, who particularly Affirms he communicated the Contents of it to Mr. Luke. But Mr. Luke, without regard to that or ye Orders he receiv'd from Mr. Keith, having first discharg'd the waiters, allow'd y^t Ship to haul close to ye Shoar, and to unload the whole Cargo without any one to take an Acc^t of what was landed, (as he own'd himself to me,) and immediately thereafter

Pennsylvania, 1717-26; published "*History of British Plantations in America*, part 1," containing History of Virginia, 4to, 1738, and "*Collection of State Papers and Tracts*," 1749.

⁴⁶ John Manley, Secretary of the Commissioners of the Customs.

Dispersed advertisements through the Country for a public Auction of all the Cotton and Indigo imported in that Ship. It was but the day before ye Sale that one of those Advertisements, which had been fix'd up in W'msburgh, was brought to my hands. I immediately dispatch'd away an Express to stop the Sale, and to know by whose Authority he had given that permission. It seems part of the Goods were sold before the letter was delivered to him, upon which, after Consultation with some persons of better judgm't than himself, he put a stop to ye sale of ye rest. In two or three days thereafter he came to me, and upon my asking the reason of his acting in that manner, contrary both to Mr. Keith's Orders and mine, he alleged that my first Letter was not deliver'd him till about two hours before the Sale began, and justified that by an endorsement thereon at the time he receiv'd it, and that then his Permitt was out, and he could not recall it, and that as soon as my Last Letter came he put a Stop to ye Auction. I omit the other frivolous excuses he made, referring to ye Affidavits of Mr. Holloway and Capt. Pearse, sent with the rest to Mr. Manley. This is the true matter of fact, so far as relates to ye Accusation against Mr. Luke, in reference to ye Ship Galliarde. As to ye rest, being not so immediately concern'd therein, I shall not enter into the detail of them, except to send y'r Hon'rs enclosed the Orriginal letter referred to in Mr. Luke's answer to the second Article of the Survey'r Gen'l's Charge, Submitting whether any interpretation he can put on his own words, (as he claims the privilege of doing,) can excuse him from the Accusation of Supine Negligence. And tho' he will not allow of any proof of Bribery to be good unless appearing upon Record, yet an Oath in the Court of Admiralty, where he might, if he had pleas'd, appear'd and justify'd himself, must occasion shrewd suspicions of his Integrity. Mr. Luke makes a mighty noise of my appointing a person who is a Quaker to execute the place of Naval Officer after ye death of Mr. Curle. To w'ch I beg leave to answ'r that Mr. Curle's Death was so sudden, and sundry vessels then in ye district, both to enter and Clear, that I was under necessity of making as sudden an appointment, and in regard Mr. Geo. Walker⁴⁶ was a person of the best Character, both for his

⁴⁶ George Walker appears to have erected a wharf fronting on King street, in Hampton, in 1713. *Cal. of State Papers, Virginia*, I, p. 183.

Capacity and honesty, of any thereabouts, that Mr. Curle had entrusted him with his books during his Sickness, and the managem't of all his Affairs as his Executor, and that he liv'd very convenient, at the very mouth of James River, I could not think of a fitter person, untill I could otherwise supply it, and I wish I could have prevail'd with him to lay aside that one Silly Scruple of the word Swear, that I might still have continued him in the Office. During the time he officiated, he Seiz'd the Sloop Roe, of Antegoa, carrying out no less than thirteen hogsheads of Tobacco more than duty had been paid for to Mr. Luke, and Mr. Keith was so well satisfyed with his diligence and ability, that he appointed him Searcher for that District.

I am now to acquaint y'r Hon'rs that I have supplied the Vacancy of the Naval Officer of the lower district of James River, by the Appointm't of Jno. Holloway to that Office, being a Gent. for whose Capacity and Integrity I can very readily answer, and he has already writ to his friends in England to give Security at y'r Board.

March 26th, 1715.

To Josiah Burchett, Esq'r :

S'R :

I have just now receiv'd, together with y'r Letter by the Solebay, the severall pacquets mention'd therein, for the Governm'ts on this Continent, and as no man shall be more ready to observe the Commands of the Lords of the Admiralty, so I think my Self particularly obliged most heartily to endeavour the answering their Lo'ps' intentions in this affair w'ch they have been pleas'd with so much earnestness to recommend to my care. I have accordingly dispatch'd the pacq'ts for Mary Land and Pensilvania by an express over Land to ye Gov'r of ye former plantation. Those for Nova Scotia and New foundland could not find a more speedy conveyance than by the way of Boston, w'ch is the only place I know that has any Communication with those Governm'ts, and have, therefore, sent them, together w'th that for New England, by Capt. Owen, of the Solebay, who intends, without delay, to proceed for that Station, and because the passage from hence to New York, over land,

would prove very tedious, considering the great distance and the badness of the ways at this season. I have also chosen to send by the same Conveyance of the Solebay, the pacquets directed for that province. Since there being a settled Post between that and Boston, their Passage thither by Water and from thence by Land will be more speedily than any Express I could send from hence. The distance between this and South Carolina is so great, and the Country for the most part inhabited only by Indians, that we have no Communication over land, nor, indeed, any Settled Commerce by Sea, wherefore, least his Majestie's interests Suffer, I judg'd it most proper to dispatch away the Success with the pacq'ts for y't Governm't, since I conceive it is not the intentions of the Lords of the Admiralty that Capt. Mead should return home till he is reliev'd by the Valour, which is not yet arriv'd. By the Orders to Capt. Green, of the hazard Sloop, (who brought hither the notification of his Maj'tie's accession to the Crown,) told me had receiv'd from ye Admiralty board for delivering his dispatches in Maryland and from thence to proceed to Boston. I apprehend you are under some mistake as to the Scituation of that province; for tho' it appears by the Map that part of Maryland is bounded on ye Sea, yet the Seat of the Government, and the greatest part of the Province lyes far up the Bay of Chesapeake, whereas the Land on ye Sea Coast is little Inhabited, and no port or harbor on that side. This, 'tis like has also given occasion for appointing a Guard Ship for Mary Land, where there be no use thereof; the whole Trade of that Province being conveyed through the Capes of Virginia. I think it necessary to give you this intimation that in Case any dispatches for Mary Land should hereafter be sent from ye Board, they may be directed to be deliver'd in Virginia, whence they may be forwarded with much less expence of time than is required in a Conveyance of 60 or 70 Leagues up the bay, where, besides the Charge of Pilotage, great delays may happen by contrary winds. I hope what I here mention will be construed as offered with all deference and Submission to their Lordships. By the return of the Success I shall give you a particular answer concerning all my proceedings in relation to the Algerine Passes and the Chaplain Warrant for Mr. Goodwin, and shall be glad of any occasion to be honoured with y'r Correspondence, being with abundance of Esteem ———.

VIRGINIA, March 28th, 1715.

To the Lords Commiss'rs of Trade:

MY LORDS:

By the Solebay man of War, I had the hon'r to receive from y'r Lo'ps' Board a letter of ye 19th of August, relating to the French Trade, and have a particular Satisfaction in finding my proceedings here so agreeable to ye Sentiments and Commands of their Excellencys the Lords Justices; for since the conclusion of the Peace, I have caus'd to be seized and condemn'd two Vessel for trading w'th ye French Islands and importing from thence Wines of the growth of Europe, And an Officer of the Customs, having contrary to express Orders, given leave to ye Master of a French Ship, put in here by Stress of Weather, to land his whole loading and to dispose of a considerable part of his Cargo, consisting of Cotton and Indigo, I, so soon as I heard thereof, put a stop to ye delivery of the Goods, and not only oblig'd the French Super Cargo to transport hence all his Merchandize in British Ships bound for London, (his own being entirely disabled from going to Sea again,) but I so represented the ill Consequences of such a practice in the Custom Ho. Offices that the Surveyor Gen'l has thought fitt to suspend the person who granted that illegal permitt. The Scheme I communicated to y'r Lo'ps in my last letter for improving his Majest's Quitt rents, is likely to answer fully my expectation, and 'tis with much pleasure that I can acquaint y'r Lo'ps that this Country now feels the good Effects of ye new Regulation of their Tobacco Trade; the Public Credit, which was one main end thereof, being now rais'd above 200 ^{per} cent. My new Method likewise for guarding our Frontiers and bringing the Indians under a Regulation for the better Security thereof, succeeds hitherto so well that we have not had the least mischief done this year and a half, to our outward Inhabitants, but it is of such a nature, and the people of this Country are generally such Supine favourers of all new Attempts, y't I must bestir my self till I perfect ye design, and for that purpose I am going out upon another expedition into the Woods, where, before my return, I expect to meet the Deputies of three or four

Nations of remote Indians and hope to be able in my next to give a particular Acc't of their peacable disposition towards his Maj't's Subjects.

I shall not at present add more to take up your Lo'ps' time, having wrote so largely in my last, of which I herewith send a Duplicate, so I now conclude, and am.

March 20th, 1715.

To Mr. Secretary Stanhope:"

S'R :

It is with abundance of pleasure that I do myself the hon'r to congratulate y'r promotion to the Office of Secretary of State, and especially since the Station I am in affords me the happiness of falling within y'r province. As the first Tribute of

" James Stanhope, eldest son of Hon. Alex. Stanhope, and grandson of Philip, Earl of Chesterfield, was born in Bedfordshire in 1673; left Oxford at the age of 17, to accompany his father, who was sent as Envoy-Extraordinary to Spain; after some stay there he made the tour of France and Italy; served as a volunteer in Flanders, and was made, at the age of 22, a Lieutenant Colonel by King William; entered Parliament in 1700; went as a volunteer under the Duke of Ormond to Cadiz in 1702; served in Portugal under Charles III in 1703, and next accompanied the Earl of Peterborough in his expedition in the Mediterranean; made a Brigadier-General, August 25, 1704, and participated in the reduction of Barcelona; Envoy-Extraordinary to Charles III in 1706; Major-General, January 1, 1707; Commander-in-Chief in Spain in 1708, and reduced the island of Minorca; made prisoner in 1711; exchanged in 1712, and returned to England. On the accession of George I he was made one of the Secretaries of State and a Privy Councillor; attended the King to Hanover in 1716, and accomplished the triple alliance between England, France and Holland, which removed the Pretender beyond the Alps; First Commissioner of the Treasury and Chancellor of the Exchequer in April, 1717, and in July was created Viscount Stanhope, of Mahon, in the island of Minorca, and Baron Stanhope, of Elvaston; March 25, 1718, he was succeeded in the Treasury by the Earl of Sunderland, whom he succeeded as Secretary of State; created Earl of Stanhope April, 14. During the summer he negotiated unsuccessfully for a general peace in Europe; appointed a Lord Justice during absences of the King, May 9, 1719, and June 11, 1720; Ambassador to France, December, 1719, and accomplished the quadruple alliance; died February 4, 1721, from the breaking of a blood vessel the previous day, caused by resentment at an abusive speech in Parliament from the

my Correspondence, I herewith send you a Body of Laws pass'd in the last Session of Assembly here, which I hope will be as unexceptionable as the others I have had the hon'r to transmit during my Administration. To trouble you with particular observations upon each of these would take up too much of that time, w'ch I know is already sufficiently employed in a Variety of more important Affairs. But if you should be desirous to receive farther Satisfaction in any part thereof, I have wrote very fully to ye board of Trade with whom I am obliged more especially to correspond, and where I know you have part in all affairs of moment. There being nothing at present extraordinary in this Colony worthy your Observation, I shall conclude this letter with repeating what I formerly wrote to his Maj't's Secretary of State, (without knowing you were in that Station,) that this Colony is perfectly well affected to his Maj't's Government, and that nothing has been wanting to demonstrate their Loyalty and ready Obedience, which it shall be my care to improve more and more for his Majesty's Service.

March 28, 1715.

*To the Lord Townshend:*⁴⁸

MY LORD :

I am to acknowledge the honour of y'r Lord'p's letter of the 30th of November, by the Solebay Man of War, and have, according to your commands therein Signified to me,

profligate Duke of Wharton. He was curiously learned in ancient history, and some queries addressed by him to the abbé Vertot, with replies of the abbé were published in 1721. He married February 4, 1712, Lucy, daughter of Thomas Pitt, of Stratford, co. Wilts; sometime governor of Fort St. George, in the East Indies. He was succeeded in his titles by his eldest son Philip; born August 15, 1714.

⁴⁸ Charles Townshend, eldest son and successor of Horatio, Viscount Townshend by his second marriage with Mary, daughter of Sir Joseph Ashe, was born in 1674; took his seat in the House of Peers, December 3, 1697; in 1706 one of the Commissioners for the Union between England and Scotland; member of the Privy Council, May 20, 1708; with the Duke of Marlborough, in 1709, a plenipotentiary to France; continued as Ambassador at the Hague until

dispatch'd the packets directed to ye Governors of his Maj't's other plantations. Since your Lo'p is pleas'd to inform me that Mr. Secretary Stanhope's return is so soon expected, under whose Province the Affairs of this Colony fall, I shall not give your Lo'p the trouble of anything from hence, and shall therefore conclude with Congratulating y'r Lo'p upon the Promotion to the hon'ble Post you possess, and ye Share you enjoy in his Maj't's favour.

May 27th, 1715.

To Mr. Secretary Stanhope:

S'R:

It is with a just concern for ye miseries of my fellow Subjects that I presume to lay before his Maj'tie the Advices I rec'd two days ago from ye Governor of South Carolina that there is a general Revolt of all the Indians bordering on that Province, who have broken out in open hostility, murdering ye Inhabitants and destroying their habitations, and with such numbers as have never been known to combine together since the English were settled here. The hurry Colo. Craven^a was in did

he was recalled at his own request in March, 1710; on the death of Queen Anne, August 1, 1714, he was appointed a Lord Justice until the arrival of George I; September 17, made Principal Secretary of State; resigned December 12, 1716; January 23, 1717, Lord Lieutenant of Ireland; resigned April 10th following; constituted President of the Council, June 11, 1720, and was the same year a Lord Justice; February 10, 1721, again Secretary of State; May 26, 1723, a Lord Justice; made a Knight of the Garter July 28, 1724; a Lord Justice June 1, 1725, and in 1727, waited on the King until his death on June 11th; continued Secretary of State by George II; resigned May 15, 1730; died June, 1738, and was succeeded in his titles by his eldest son Charles, by his first marriage with Elizabeth, daughter of Thomas, Lord Pelham. His second wife was Dorothea, daughter of Robert Walpole and sister of Sir Robert Walpole, Earl of Orford.

^aCharles Craven, Secretary of the Proprietors of South Carolina, and Governor 1712-16; ordered in 1712 to sound Port Royal river, it is probable that he founded Beaufort. At the head of 1200 men, part of whom were blacks, he defeated the Indians, in the insurrection as above, in a series of desperate conflicts.

not allow him time to write me all the particulars of this Event, but ye Messenger relates many Circumstances very dreadful. In this exigency Colo. Craven has applyed to me to assist him with Arms and Ammunition, as that which is much wanting, and I am accordingly dispatching with all speed such a supply of both out of his Ma'tie's Stores here as the Condition of this Colony will allow me to spare, for as there is some grounds to suspect that this heathenish Combination may be more general over the main, it is to be fear'd that this Colony will have occasion to arm in its own defence; however, I could not delay this Assistance to Carolina, hoping that according to a letter I receiv'd from the Earl of Dartmouth, when Secretary of State, intimating that her late Majesty had directed all the small arms designed for ye Canada Expedition to be lodg'd at New York and New England for the Service of the Plantations, I shall be supplied out of his Maj't's Stores there, if the necessity of this Governm't should require it. I hope this Service of supplying the Governm't of Carolina with stores of War on this occasion will induce his Maj'tie to grant us a large Supply, especially now I have got the Country to build a Convenient Magazine for preserving both the Arms and Amunition, and that the Neighbouring Colonys may be readily supplied from hence whenever their Occasions require. As I understand that most of the People of Carolina are fled into Charles Town and have no other way to be supplied with provisions but by Sea, I have ordered the man of War attending this Station to repair thither to keep open ye Communication with the Town, and havè likewise writt to ye Govern'rs to the Northward, advising them to send likewise His Maj't's Ships in those Stations to visit y't place from time to time, as ye best means to encourage the people to a vigorous defence, till some other measures be contrived for their relief.

I am now taking the necessary measures for putting our Frontiers in a posture of defence, And because I have certain intelligence that there has been of late a more than ordinary Intercourse between the Southern Indians and the nations to ye Northward, I have sent expresses to ye Gov'rs of Mary Land, Pensilvania and New York to advertise them hereof, y't they may be upon their guard and keep a Watchful Eye upon the Indians In their Neighbourhood, as I have, upon some just suspicions of

one of the most considerable Nations of our Tributarys, who kept a Correspondence with forreign Indians, found necessary to have them disarm'd, which will be speedily put in Execution. I shall not take up more of y'r time by adding any Acc't of the affairs of this Colony, because this Ship is just upon sailing, and that I shall have the opportunity in a few days of doing my self the hon'r to write you more at large.

June ye 4th, 1715.

To Ye Lords Commiss'rs of Trade:

MY LORDS:

According to what I had the hon'r to write y'r Lo'ps in my last, I have been for a good part of last Spring, employ'd in finishing the fortifications of Christanna, and in settling there a Body of our Tributary Indians to ye number of 300 men, women and Children, who go under the general name of Saponies, and as they seem to be much pleas'd with their present settlement, well affected to ye English and reckoned a brave people, I hope by their means, and the Guard of white men placed among them at the fort, The Neighbouring frontiers will be better guarded than heretofore against the incursions of any Forreign Indians, especially when this place is further Strengthened by the Addition of the Other Nations of Indians w'ch I acquainted your Lo'ps in my last, had a desire to incorporate with the Saponies, and have by their messengers inform'd me that they only delay their coming in till the Senequas, who are haunting near their habitations, (and with whom they are on no good Terms,) are removed. The good disposition I found among the Saponies to have their children educated in the Christian Religion has encouraged me to establish that Work. To this purpose I have placed a School Master among them with a salary of £50 ^{per} ann. w'ch I pay out of my own pocket, and have made choice of about 70 boys and Girls, who for their years are the most susceptible of Learning, to be under his Care, and as he is a person whose inclination, as well

as Capacity, renders him very fitt for this Employment, there is all human probability of the Success of this undertaking, whereby a Foundation will be laid for a more lasting Friendship w'th those Indians than can be expected while they retain their Savage principles and Heathenish Superstitions. At the same time that I was thus Employ'd at Christanna, the King of the Tuscaroros came thither to give them assurances of the inclinations of his People to live in a good Correspondence with this Governm't. I took the opportunity of the Interview to settle the Limits of the hunting-grounds of the Tuscaroros and our Tributarys, that they may not interfere with one another, and also to engage them to be conformable to a late Law pass'd prohibiting all Indians from coming near the dwellings of any of the English. I have learned enough of the temper of the Indians to be fully convinc'd of the necessity of this regulation. They have naturally an opinion of the power of the English, but when they are permitted to come frequently among the Inhab'ts, to see the weakness and scattering manner of living of many Familys on the frontier plantations, these Impressions wear off, and they become encourag'd thereby to all those bloody Attempts they have heretofore made.

This has been fatally verified in the massacre in N. Carolina in 1711, where ye first attacks fell upon those Familys in which the Indians were most conversant. But I am now to inform y'r Lo'ps of a more unhappy Instance of the imprudence of suffering the Indians to be much acquainted with the Strength and Situation of his Maj't's Colonys. The Government of So. Carolina, believing they had their Indians in an entire Subjection, have, upon all occasions, permitted their resorting to Charles Town, traversing the Country at pleasure, and whenever their necessitys required, (as upon the apprehensions of an Invasion from the French, during the late War, and in reducing the Tuscaroros after the massacre of No. Carolina,) Called to their Assistance great numbers of different Nations, and by this means given them an opportunity to forme a general Conspiracy against that Province, w'ch broke out last Month, and, as Colo. Craven informs me, is intended to extirpate out of that Country all his Maj't's Subjects. The number of those Savages is so great, that the English there, being unable to make a Stand ag't them, have deserted the open Country, and fled for sanctuary to

Charles Town, where they also expected to be attack'd, the Enemy being at the time of dispatching hither the Express, (Viz. on the 11th of last Month,) within two days march of the place. On this Surprising Event, the Govern'r of So. Carolina has made pressing Instances to me for Assistance of Arms and Amunition, And that I might not be wanting to relieve his Maj't's Subjects upon such an occasion, I am now preparing such supply of both as the Condition of this Colony will permit, And intend to dispatch the same by the Valour, Man of War, appointed for this Station, but now in Mary Land. I have likewise, by my Letters to the Govern'rs of the Northern provinces, used my interest to induce them as well to the like contribution out of his Maj't's stores under their command, as to order the Guard Ships attending there to repair to Charles-town to animate those people under their present Consternation, and to enable them to stand their ground till the Fortifications of the Town, (w'ch I understand are much out of repair,) are put in a State of Defence.

I beg leave, on this occasion, to represent to y'r Lo'ps of how much importancy it is that Sufficient Stores of arms and amunition be constantly lodged here, as well for the preservation of this Colony, w'ch is of so great consideration in the British trade, as for ye relief of our Neighbouring provinces. This is now the 2d time, during my Governm't, that the Carolinas have been oblig'd to apply hither, and receiv'd Supplys of arms for their relief, and if Mary Land should happen to fall into the same Distress it cannot be so conveniently supplied from any other Government as from hence. Upon this consideration I hope y'r Lo'ps will be pleas'd to interceed with his Maj'tie for an additional Supply of Stores of war to be sent hither; at least that a part of what was lodg'd at New York and N. England after the Canada Expedition, may be order'd to this place as the most proper depository for them, especially now I am building a Convenient Magazine for preserving such Stores, and have prevailed on ye Assembly to settle a Salary on an Armourer for keeping them in order.

And Since there is so much reason to apprehend, from the unusual intercourse between the Southern and Northern Indians, that there is a general Combination between them to fall upon all the English plantations, wherein this Colony cannot hope to

escape having its share in the Calamity, I cannot help representing to your Lo'ps how ill provided we are with money to support such a war. The Revenue of two Shillings a hogshead is so far defective that the establish'd Salarys due last October, are not yet paid off. I shall always carefully avoid asking his Maj'tie to be at any extraordinary charge for our defence. Neither do I think it necessary at present to go the same lengths as our late Assembly, by Addressing his Maj'tie to divest himself of his whole Revenue of Quitt rents, But I humbly hope his Maj'tie will be graciously pleas'd, upon y'r Lo'ps' interposition, to order the present deficiency of the Revenue of two Shill's p Hhd. to be supplied out of the other Revenue of Quitt rents, as it has been formerly done on the like occasions. I cannot omit pointing out to y'r Lo'ps what appears on the Journals of this Country in 1676, where it was judg'd that if at the beginning of Bacon's Rebellion there had been but a small Stock of money at the disposal of the Govern'r, that Rebellion might have been easily prevented, w'ch afterwards lost the Crown above four-score thousand pounds to quell. I don't pretend to argue from hence that ye Quitt rents should be constantly lodg'd in the Country to answer all exigencys; That Revenue is the King's property, and whatever his Maj'tie is pleas'd to grant out of it ought to be receiv'd as an Act of his Royal Bounty. I hope I may, with as good a grace as any former Governor, intreat this favour, Seeing by the Schemes I have laid for increasing the Quitt rents, One-third of the Number of Acres, (which is all that has been paid for in the present Scarcity of tobacco,) that this year yielded a larger Revenue than the whole for some years past, and as the Affairs of the Plantations are more immediately committed to y'r Lo'ps' care, I hope I do not address myself improperly when I humbly * * y'r Lo'ps, will have the goodness to lay before his Maj'tie what I have here represented. I expect every-day a farther Acc't of the Affairs of Carolina, and shall omit no opportunity of communicating the same to y'r Lo'ps, and to testify on all occasions that I am.

July 15, 1715.

To the Lords of the Treasury:

MY LORDS:

The last time I had the hon'r to write to y'r Lo'ps I enclos'd the Copy of my Scheme regulating ye Collection of his Maj't's Quitt rents, together with the Receiver Gen'l's Objections thereto and my Answer. The Accompt of that Revenue, which I now enclose, I hope will demonstrate to y'r Lo'ps how that Project has answer'd in its Execution, since it appears y't one-third of the Crown lands in this Colony has this year yielded a greater Revenue than the whole did formerly. Nor have the people any reason to complain since they now pay less than they did before. So that it plainly appears that ye fraud lay in the manner of Collecting. It may, perhaps, be enquired how it comes to pass that upon putting this Scheme in Execution so much of the Quitt rents should fall in arrears; To which I beg leave to inform y'r Lo'ps that the Crops of tobacco, as well as the Corn, last year, were so scanty that the Assembly thought themselves under a necessity of giving some respite to the people in the payment, both of their public and private Debts, w'ch they provided for by a particular Law made to be in force for the current year only, So that the Quitt rents are no further behind, nor so much, as the public County and parish levies; And his Maj'tie is in so much better Condition than any other Creditor, in so far as he hath a Land Security for these Arrears.

At the same time I took the liberty to represent to y'r Lo'ps the low State of His Maj't's Revenues of two Shillings p hhd. as it then stood, with my humble request that y'r Lo'ps would be pleas'd to intercede with his Maj'tie to supply y't deficiency out of the Quitt rents, as his Maj't's Royal Predecessors have been pleas'd to do on ye like Occasions. Such a bounty could never come more seasonably than now, when the unhappy State of our Neighbouring Province of So. Carolina, and ye too just Apprehensions of this Country's being involv'd in ye same misfortune, has oblig'd this Governm't to make some extraordinary Efforts for opposing the Common Enemy of both; for the Pro-

vince of So. Carolina being attack'd, and great part of it overrun by sundry numerous Nations of Indians confederated together for Extirpating his Maj't's Subjects, have made Application for Assistance of men from hence; whereupon it has been judg'd adviseable to Succour them with three hundred men, And as this Governm't has no ffund to defray such an extraordinary Expence, The Council and I have unanimously agreed to postpone our own Sallarys in order to make use of so much of ye produce of ye 2S. a hogshhead as may be sufficient for the listing and transporting ye aforemention'd number of men. This will necessarily increase the Debt on that Revenue, And as there is but an indifferent prospect of the present Cropps of tobacco, there's but little hopes that the present debt can be lessen'd in a long time, without his Maj'tie's Assistance, therefore beg leave to renew my Application to y'r Lo'ps for his Maj'tie's bounty out of the Quitt rents to supply the present deficiency, and that y'r Lo'ps would be further pleas'd to interceed w'th his Maj'tie that Leave be given to the Governor, with the advice of the Council, on this extraordinary emergency, only where the immediate preservation of the Country depends upon a speedy supply of money, to make use of such a Sum as his Maj'tie shall think fit to limit out of the Quitt rents that shall remain in bank here, or, if there be no ball., to borrow so much upon the Credit thereof for defraying the immediate Expence of raising and subsisting such a Number of Men as shall be necessary to oppose the Indian Enemy, if the Country should be suddenly attacked. And I hope I shall not incur y'r Lo'ps' displeasure, if, in the present extraordinary juncture of Affairs, I do not oblige the Receiver Gen'l forthwith to remit home ye small ballance of the Quitt rents which is now in his hands, but that I wait a little to observe how we shall be necessitated to defend ourselves against ye threatening storm; And this I am the more encourag'd to do, since it appears by a Representation of this Governm't, made to his Maj'tie, K. Charles ye Second, y't if the Governor had been possess'd of but one Thousand Pounds of public money at the beginning of Bacon's Rebellion, that insurrection might have been easily prevented, which afterwards lost the Crown upwards of £80,000 to quiet.

I should not offer at asking such an extraordinary power as the disposing of the Quitt Rents, if I were not fully convinc'd of

the necessity thereof for his Majestye's Service in the present conjuncture, nor shall your Lordships ever be troubled with any thing that is not such from him, who is, with great Duty and Respect.

July 15th, 1715.

To the Lords Commissioners of Trade :

MY LORDS :

I must not ommitt informing y'r Lord'ps of the Extraordinary Events in these parts of his Majesty's Dominion. The province of South Carolina hath been lately attack'd by many powerful Nations of Indians combin'd together for extirpating his Maj's Subjects there, and this Combination so secretly carried on that, (tho' some of the Indians pretended to be uneasy on acco't of some hardships in their Trade,) the blow was struck before any one suspected their intentions, whereby many of the inhabitants of that Province were surprised and cruelly butchered by the Enemy, and many more forced to desert their Habitations and leave their Houses and Effects a prey to the Heathen. In this, their distress, the Governm't of that Province applyed hither for an immediate Supply of Arms and Ammunition, Whereupon, I, without delay, dispatch'd away His Maj't's Ship Valeur, with 160 Musquets and some powder and ball out of his Maj't's Magazine here, And upon that Governm't's sending Comm'rs hither soon after to beg Assistance of Men to enable them to defend the small Territory w'ch is yet preserv'd from the Ravages of their Enemys, the Council concurred with me in a resolution of raising 300 Men for that Service, and I used such diligence therein that there pass'd but 15 days from ye Arrival of ye Comm'rs here to the time of their Sailing hence with 118 of that number. I have now 40 or 50 more ready to embark in two or three day's time, and am preparing the remainder, with 30 of our Tributary Indians, against the return of the Valeur, So that I hope the whole Complement of men from hence will be in Carolina within a month at farthest, and well arm'd out of his Maj't's stores here; but tho' I judg'd it necessary to Succour his Maj't's Subjects of

So. Carolina in their present danger, in hopes thereby to extinguish the flame before it reach'd hither, yet I cannot help representing how unprovided this Colony is of Arms, notwithstanding the Supplys sent in by her late Maj'tie.

We have a large extent of Frontier to defend and don't want a numerous militia for that purpose, but so wretchedly arm'd that they are perfectly useless, and ye Laws of the Country are so very defective that it is impossible to bring the Militia to a better regulation, Yet such is the unaccountable humour of the Assemblys that I could never prevail upon them to set it on a better foot, Wherefore my humble request is to interceed with his Maj'tie for a further Supply of Arms to be lodged here, Not only to serve the Occasions of this Colony, but to supply any other of his Maj't's plantations which may happen to be in distress, this being the most Convenient Repository, as lying in the Center of his Maj't's Dominions on this Continent, and to which they may send with the greatest Ease, and I have lately prevailed with the Assembly to build here a convenient Magazine for lodging such Arms and to settle an Annual Sallary to an Armourer.

That I may the better provide for the defence of this Colony and the succouring of our Distress'd Neighbours, I have call'd an Assembly to meet the 3d of the next month, and shall omitt no Arguments to move them to suitable Resolutions. I shall then have occasion to write to y'r Lo'ps more at large, and shall now only conclude with praying y'r Lo'ps to believe that I am with all Dutifull Respect.

July ye 15th, 1715.

To Mr. Secretary Stanhope:

S'R:

While the Seat of War is in his Maj't's Dominions here, I shall think it my Duty to omitt no opportunity of informing you, in ye most particular manner I am able, of ye Scituation of Affairs in these parts and I hope I shall not be accounted impertinent if I, from time to time, offer my humble Opinion upon

what measures are practicable and proper to be taken by these Colonys, submitting all to your prudence to lay before his Maj'tie what you shall judge material and advisable. I shall always cautiously endeavour that my representations be of true matter of fact, and shall propose nothing but with a just Zeal for the public Safety, hoping that nigh 20 years' Service in the Wars of my Country may be taken as an earnest of my Capacity to act here in this Conjunction. If his Maj'tie shall be at leisure to give attention to ye Circumstances of some of his Provinces on this Continent, I no ways doubt but he will judge y't that of So. Carolina deserves at present his gracious Compassion and Relief, and I presume y't whatever Assistance we, the Neighbouring Governors, can contrive to give his distress'd Subjects there, will have his Royal Approbation. I advis'd you in my last, which I had the hon'r to write to you, and of which the enclos'd is a Copy, y't that Province was all on a sudden attack'd by many powerful Nations of Indians, since when the Governor and Council thereof have sent hither Com'rs further to represent their distress and to beg Assistance of Men from hence to help them to defend that small tract of Land w'ch they are now confin'd to, and which they have yet preserv'd from ye devastations of their barbarous Enemiys. Upon the first rupture the Gov'r there, with what men he could draw together, made a bold march to attack the Zamasee Towns, (who were the ringleaders of this defection,) w'ch had this good effect, that it daunted and checked all the Indians, who fancied nothing less than over-running y't whole Province at once, and so the English gained some time to build Forts and fortify houses in order to secure a part of their Country, without which they could not pretend to submit.

To give some idea of the Country they are now endeavouring to defend, I send now a Sketch w'ch I form'd from the information of those Commiss'rs, in w'ch are laid down the Forts that were made before their departure from So. Carolina. These Gentlemen report to me y't all their Country and Plantations, beyond the marked line of Garrisons, is abandoned and destroy'd, and y't the remotest part of their line is not above 30 Miles from Charles Town, y't all the White Men in their Province will not make above 1,500 fighting men, and that the several Nations of Indians, whom they know to be actually engag'd in

the war, can bring about 8,000 Men against them. In this computation they reckon no other Indians than those bordering upon their Province, and among whom their Traders commonly resided, not being yet certain whether any of the Nations living beyond those be combined with them, but they add that they very much fear ye Chacktaws, a numerous and warlike People, is in the Confederacy, and greatly suspect y't the late Peace concluded between their Neighbouring Indians and those Chacktaws, (who were always very good friends with the French, and in continual war with the So. Carolina Indians,) has been contriv'd by French and Spanish Councils for the better carrying on ye present design of driving his Maj't's Subjects out of that Province, And should it so fall out that the French or Spaniard should now make such another Attempt upon Charles Town, as they did during the last War, they must infallibly Carry it, whilst all the force of the English is drawn to the Frontiers to withstand the Indians.

If those who are at the Helm of affairs know my apprehensions from that Quarter to be vain, yet I beg my Zeal for his Majesty's Service may be excused, when I cannot forbear remarking some of the temptations the French may have to Possess themselves of that Province, and the extream prejudice such a Settlement would be to all these Colonys. It would be the Opening a new Communication with their Countrymen who are seated among ye Indians upon ye back of us, and by being at hand to support and encourage these Indians, who have now broke with the English, they might perpetuate a War w'ch would grievously disturb all these Colonys and put them Continually to a vast Expence to guard their Frontiers; besides that, should Charles Town and Port Royal become French ports, all the Trade of his Maj't's Dominions on this Continent would, upon a war w'th France, be wofully interrupted, our Coast and harbour must be put into another posture of defence, and nothing less than a Squadron of Men of War would be able to guard the Bay of Chesapeak and its Trade. But grant that the French or Spaniard is not any ways concern'd w'th these Heathen, yet would it be of most dreadful Consequence y't these inhuman Enemies should prove their own Strength and Valour to be sufficient to conquer and extirpate an English Province. What has hitherto been our main Security and kept the Indians in

awe, is the general Notion they have been possess'd with that they are not able to encounter or Withstand the English in battle, knowing y't what advantage they have ever yet gain'd over us has been carry'd by close plotted massacres and treacherous Surprizes, but a Triumph over that very Province, w'ch has been ye most famous for keeping ye Indians under Subjection and the Booty taken from it might invite all the Heathen upon this Continent to Unite their Forces and try to over-run the rest of our Colonys. Upon the foregoing Considerations I judg'd it to be for his Majesty's Service to give Carolina all the Assistance that the Condition of this Government could afford, and the Council unanimously concurring with me in this opinion, we came to a Resolusion to try to raise 300 Men with all Speed for that Service, notwithstanding we have not one penny in bank to defray the imediate charges of Listing and Transporting such a Number of Men, for ye Revenue appropriated for the Support of this Government falls now above £2,000 short of paying off the establish'd Salarys, but we agreed to postpone ye payment of our Salarys and to apply that Fund for ye present Use of these Forces untill our poor condition be laid before his Maj'tie. And here upon I must entreat you, Sir, in behalf of this Colony and our distress'd Neighbours, to represent to his Maj'tie the difficulty this Governm't lyes under for want of Money to take effectual measures for the security of these Dominions upon this or any other extraordinary Emergency.

As the Acc'ts are duly sent home to ye Treasury, it may appear by the Article of Contingencys that never was the Revenue manag'd w'th more frugality than during my Administration, yet, as in former times, it will not answer the settled Salarys whenever the price of Tobacco runs so low, and in such a Case the Crown has more than once made good the deficiency out of its other Revenue here of Quitt-Rents. Sure as this Governm't never had a juster Cause to ask such a Relief from its Sovereign, so none of its Governors could ever more chearfully than myself appear to beg a Donation of this sort, seeing that by a Scheme of my projecting, w'ch I put in execution this year, I have made one-third of ye Crown Lands of Virginia raise at least as much money as was used to be paid for the whole. I have called an Assembly to try what Assistance I can get that way, and to see

whether imminent danger will move them to be at some Charge to put their Country in a posture of defence, and whether they will now forego a most defective and impracticable Militia Law for a more useful one. They are to meet on the 3d of ye next Month, but I cannot forbear regretting y't I must always have to do w'th ye Representatives of ye Vulgar People, and mostly with such members as are of their Stamp and Understanding, for so long as half an Acre of Land, (which is of small value in this Country,) qualifys a man to be an Elector, the meaner sort of People will ever carry ye Elections, and the humour generally runs to choose such men as are their most familiar Companions, who very eagerly seek to be Burgesses merely for the lucre of the Salary, and who, for fear of not being chosen again, dare in Assembly do nothing that may be disrelished out of the House by ye Comon People. Hence it often happens y't what appears prudent and feasible to his Maj's Governors and Council here will not pass with the Ho. of Burgesses, upon whom they must depend for the means of putting their designs in Execution, the common Topick of Poverty, (w'ch in this Colony is in some measure true,) and the fond hopes y't Dangers, yet a Distance, may vanish of themselves, are excuses sufficient w'th many to save Expençe. However, as my general Success hitherto with this sort of Assemblys is not to be Complain'd of, and as I have brought them, in some particulars, to place greater Trust in me than ever they did in any Governor before, and Seeing their Confidence in Me has encreased with their Knowledge of me, I have great hopes to lead even this new Assembly into measures that may be for the hon'r and safety of these parts of his Maj't's Dominions.

I presume his Maj'tie will expect y't all his Governm'ts upon this Continent should, upon ye present Occasion, contribute their assistance to So. Carolina, but without particular Instructions sent to every Gover'r in this behalf, some may probably think that ye providing for ye Security of their respective Provinces is all y't is incumbent upon them; or, w't is still more likely, their Assemblys will incline to Act upon y't principle, as ye Assembly of No. Carolina has already faulted their Governor for dispatching a-way to ye relief of his next Neighbours a small reinforcement of Men, they alledging that their own danger

requir'd not to weaken themselves. I would, therefore, humbly propose that his Maj'tie may be moved to give some particular Orders for countenancing the proceedings of his Governors where ye common safety is concern'd, at least in y't of raising Men, tho' I do not offer at ye other of raising money to pay them, it being the liberty of ye Subject.

None of ye Provinces on ye Continent have yet sent any Assistance of Men to So. Carolina, except this Colony alone and No. Carolina, and by w't I understand from Govern'r Hunter I am afraid they may be diverted from it, he writing me word y't their Indians are grown very turbulent and ungovernable.

We are not here without our dangers, too, but yet I judg'd it best, and ye readiest way to save ourselves, to run immediately to check the first kindling Flames, and even to stretch a point to succour Carolina with Arms and amunition; and I made such dispatch in ye first Succours of Men I sent thither y't they pass'd no more than 15 days between the Day of ye Carolina Comm'rs coming to me and ye day of my embarking 118 Men listed for their Service. I have since sent another Vessel with 40 or 50 Men more, and hope in a short time to have ye Com-plem't rais'd w'ch this Government has engag'd to furnish.

If my Labours and Endeavours, (which upon this Acc't are not small,) shall happen to be countenanc'd and approv'd of by my Sovereign, I then shall have ye Reward I wish for, and need not offer, for my justification, to wound his Maj't's Ears with particular relation of the miserys his Subjects in Carolina labour under, and of ye Inhuman butchering and horrid Tortures many of them have been exposed to. And as ye Notions of duty have guided all my Proceedings in this Juncture of Affairs, so no less a Consideration should have engaged me to take up the time of a Prime Minister, whose Moments are devoted to matters of high importance.

I shall, therefore, add nothing further at present, but only beg leave to subscribe my Self with a Dutiful Respect.

July ye 16th, 1715.

To Josiah Burchett, Esq'r :

S'R :

I here send you Mr. Goodwing's Subscription of the Test, and my Certificate of his having taken ye oaths in pursuance of the power given me by the Lords of the Admiralty, and the directions therewith sent.

In my last I informed you of my intentions of sending Capt. Mead to So. Carolina with the pacquetts for that government sent hither by the Solebay. Accordingly, Capt. Mead arriv'd there in April, where he found the whole Country in ye greatest Consternation, the Indians having just then fallen unexpectedly upon ye People of the Frontier Plantations with unexampled Cruelty, and laid waste a great part of that Province.

The Govern'r and Assembly very earnestly press'd Capt. Mead, (as he writes me,) to Stay for some time in y't Station to encourage their People, to whom every little Assistance was of great consideration to keep up their Sinking Spirits under so great a Calamity, and I hope Capt. Mead's continuing where he may be so usefully employed for the relief of a People, who, tho' under the Government of Proprietors, are yet his Maj't's Subjects, will not be disapprov'd of by their Lo'ps. On this Occasion, I intreat their Lo'ps will be pleas'd to give Orders to ye Cap'ts of his Maj't's Ships on these Stations to be assisting in ye transportaion of such Forces, Arms, or Ammunition as the respective Governm'ts on this Continent shall send to the relief of their Fellow Subjects of Carolina. 'Tis true the Capt's now here, being convinced how much it is for his Maj't's Service, have very chearfully afforded their Assistance. Capt. St. Loe is now gone thither with a Supply of arms and amunition from this Colony, and I hope to prevail with him also to transport ye remainder of 300 Men I have raised here for that Service; yet for preventing any Scruples the Capt's may hereafter raise against their being employed on a Service forreign to their Stations, I hope their Lo'ps will be pleas'd to give it as a general instruction to all the Capt's to be Assisting, as their shall be occasion, in the transportation of Forces and

provisions of war, and in any other Service whereby they may be usefull with their Ships to annoy the Enemy.

Notwithstanding ye Orders I saw for Capt. Mead's returning home gave me hopes that the Valeur was to supply his place here, Capt. St. Loe assures me his orders are only to relieve the Nightingale at Mary Land, and y't he has none in relation to Virginia. I'm in hopes, therefore, that some other Man of War is ordered for this Station, w'ch has much more occasion than Maryland, since that can't be infested by any Enemy from Sea but through our Capes, and tho' in time of peace one Ship of War in Virginia may very well serve for both Governm'ts, yet upon this extraordinary Event in our Neighbourhood, I hope their Lo'ps will not think two too many. I beg their Lo'ps will be assured that I shall never propose the putting his Maj'ty to any Expence of this Kind but where I am convinced 'tis for his Maj't's Service, nor make any representation to their Lo'ps unbecoming the respect and duty I owe to that Hon'ble Board, and you will do me but justice in believing the Esteem w'th w'ch I am.

August 9th, 1715.

To the Lords Comm'rs of Trade :

MY LORDS :

In my last I gave your Lo'ps an Acc't of the State of Affairs in the Neighbouring Province of So. Carolina, and my Resolution thereupon of calling an Assembly, in order to provide as well for the defence of this Colony as the Assistance of that Province, since w'ch I have received proposals from two of the most Powerful Nations engaged in the War, and who by mere accident were drawn into it, for re-establishing a Peace by my Mediation. These Overtures were brought me by the King of the Saraws, (a Nation in their Neighborhood,) who assured me y't upon my Orders they would immediately cease all Hostilitys against Carolina, and with all convenient Speed to

send in some of their Great men to treat of an Accommodation. If by this means I can only prevail with them to stand Newter, the people of Carolina will, I doubt not, be able, with the succours sent from hence, to subdue all the other Southern Indians, who are their Enemys.

This change in the face of affairs is more agreeable in regard of the unaccountable disposition of ye People of this Country, who, notwithstanding their threatened danger, have generally chosen for their Representatives in the present General Assembly persons of the meanest Capacitys and most indifferent Circumstances, and whose chief recommendation to that Post is their declared resolution to raise no taxes upon the People for any Occasion whatever. I send y'r Lo'ps a Copy of my Speech at the opening of this Session, but I find yet no hopes of their doing anything to purpose upon it. The laws which have lately been made for restraining dishonest and fraudulent practices in the general dealings of the Country are the Object of their Envy, and the contriving to repeal them the Sole Subject of their Consultations hitherto. And, as if the Ho. of Burgesses were resolved to follow entirely the Example of their Electors, of the few Gentlemen that are among them, they have expelled two for having the generosity to serve their Country for nothing, which they term bribery.

Your Lo'ps will judge what good is to be expected from such beginnings, so that I must now look upon the Overtures of Accommodation made by ye Indians as a particular favour of Providence, which puts into my hands an occasion of relieving our Neighbours and Securing this, his Maj't's Colony, when I'm like to be so little assisted by other means.

August ye 10th, 1715.

To Mr. Secre'ry Stanhope;

S'R:

Since my last I have receiv'd some Advice, w'ch give me ground to hope that Combination among the Indians against

ye Province of So. Carolina is not so generall as was at first apprehended, for about the middle of last Month the King of ye Saraws, (a Nation bordering on So. Carolina,) came hither proposing in behalf of two of the most powerful Nations, who had by mere Accident been drawn into a War with that Province, that an Accommodation might be made by my mediation, and promising that, upon my orders, they would cease all Hostilities. I have appointed for their Great men to come in to treat for that purpose, And if I can but only prevail with them to stand Newter, I doubt not Carolina, with the Assistance sent from hence, will be able to deal with the other Southern Nations. Such an Accommodation as this will be the more desirable at this time, seeing the general humour of this Country seems to promise little for its defence, For notwithstanding the impending danger oblig'd me to call an Assembly, Such is the unaccountable temper of the People that they have generally chosen for their Representatives Persons of the meanest Estates and Capacities in their Countys, And as if the House of Burgesses were resolved to copy after the patern of their Electors, of the few Gentlemen that are among them, they have expelled two for having the Generosity to serve their Country for nothing, w'ch they term bribery.

They have now satt eight days without doing anything effectual towards answering the Ends to w'ch they were called, but on the contrary have spent much of their time in contriving to repeal the Laws w'ch have lately been made to restrain dishonest and fraudulent practices in the generall dealings of the Country, So that I have little hopes of any good Effect from their proceedings, and must look upon the Overtures made by those Indians as a happy Occasion w'ch Providence has put into my hands, and which I ought the more gladly to embrace since I am not enabled to relieve our Neighbours, nor secure this Country by any other means. I thought it my duty to lay hold of the first opportunity to inform you of this Alteration in the face of Affairs, that you may lay it before his Majesty.

August 29, 1715.

To Mr. Secretary Stanhope :

S'R:

The enclosed Letter was intended to be sent by on Capt. Christopher Scandrett, of Bristol, but as if he had no mind to take the Charge of it, he sail'd away some hours before the time he had appointed to wait for that dispatch. I now take the opportunity of giving it a Conveyance by a Ship bound for Scotland; And having, since its date, received no intelligence from So. Carolina, and all things continuing quiet on our frontiers, I have nothing at present to impart worth y'r notice, and, therefore, beg leave to conclude this with the assurance of my being, with great Respect.

October 24th, 1715.

To Mr. Secretary Stanhope :

S'R:

I take this Occasion, by the Nightingale Man of War, to transmit you the proceedings of an Assembly w'ch has but too truly verified the Conjectures I made of them in my last. After so bulky a Journal as that of the Burgesses is, one might have expected more than three inconsiderable Acts from their Session, but such was their Temper and Understanding that they could not be reason'd into Wholesome Laws, and such their humour and principles y't they would aim at no other Acts than what invaded ye Prerogative or thwarted the Government. So that all their considerable Bills Stopt in the Council.

To give you a just summary of their five weeks' work, I need only refer you to my Speech, w'ch concludes the Journals, and which I calculated chiefly for the information of those to whom I'm oblig'd to give an Acc't of the Transactions of this Government, wherein the several unwarrantable Schemes they had form'd, and their whole proceedings thereupon are faithfully Sum'd up, and told them in so public a manner as will leave no

room to doubt of the truth of ye matters of fact ; and after such a Behaviour of the House of Burgesses as is there truly represented, I hope the Expressions will not appear so Severe, nor their dissolution too unadvis'd.

Yet, after all, I have the satisfaction to acquaint you that ye Colony is in an entire tranquility. The late Representatives have the mortification to find their proceedings condemn'd by the generality of all the people, and especially by all men of Sence and honesty, and the Frontiers, however left unguarded by their perverse humour, are still free from the disturbance of the Indians. Some days ago the Chief men of the Indians, who formerly sent in hither to sue for Peace, came back according to their appointment, but not bringing with them the Chief of several of their neighbouring Towns they had promis'd, I have sent them back without coming to any Treaty. They excuse the absence of the other Indians, upon their doubting the reality of my passport, as being under a different Seal from that w^{ch} they had been accustom'd to see from this Colony, but assur'd me that if they were fully satisfyed of my sending to 'em, they would immediately repair hither. Whereupon, I, to remove their Scruples, having by me blanks with the Inscription of the old Seal upon it, I have sent it, and am not without hopes of bringing them still to a Treaty. In the meantime, I have agreed with the Indians who came hither, that while they continued to behave themselves peaceably towards all his Maj't's Subjects of these Colonys they shall not be disturb'd from hence, but that they are not to expect any Trade untill a Peace be concluded, which I hope will not be long before it is accomplished, their necessitys of all manner of goods being very great. The Government of So. Carolina have sent thither two Gent. to treat for a particular Assistance of Men, but I'm sorry to find y't ye ill usage of those already sent has disabled me from answering that request, for, notwithstanding the Signal Service the men sent from hence, did to that Province by defeating a Body of 700 Indians who had fallen upon the Southern parts of the Country, while the Govern'r and all the forces of his Governm't were on an Expedition to the Northward, yet that seasonable Service, (tho' it preserv'd a great part of their Country from destruction,) has not obtain'd them Common justice in any one Article promis'd y'm. And the Clamours from thence are such that

I'm perswaded I could not find one man in this Governm't now that would list on that Service, but this Treatment of the Virg'a forces may be accounted for from the different Situation of their Affairs now to what they were when these forces were sent; the Indians, since this last defeat, not appearing upon their Frontiers. However, as it is but a bad return of the Friendship of this Governm't, So I am afraid it will have as ill an Effect upon the dispositions of other Governm'ts to assist one another on like occasions. I should by this Conveyance have sent you the State of his Maj't's Revenue of 2s. ~~3~~ hhd., but it falling so low that the establish'd Salarys due last y'r are not yet paid, the Receiv'r Gen'l could not compleat any acc't thereof. I did not fail to recommend to ye late Assembly the supplying that deficiency, but you will find by the resolve of the Ho. of Burgesses on ye 8th of Aug'st that they plainly declar'd they would do nothing therein till they had an Answer from his Maj'tie to their Address about the Quitt rents. I need not repeat to you, S'r, what I have formerly represented of the inconveniency a Governm't without money is expos'd to, especially in any dangerous Con-juncture, but you will be pleas'd to give me leave again to beg y'r Interest for obtaining so much of his Maj't's Bounty out of the Q't rents as will set this revenue upon an even foot.

And, if his Maj'tie will be pleas'd to do me the hon'r of signifying that it is at his Govern'r's interception and Representation of an extraordinary Juncture of affairs, and not upon the Application of the Assembly, (especially since this last Ho. of Burgesses have behav'd themselves so undutifully,) it might be a means to prevent such Sollicitations for the future, and make it the more easy for me, upon some favorable Accident, to prevail with the Assembly to establish some additional fund for ye support of the Governm't, since ye present fund must necessarily decrease, ye more Inhabitants of this Country fall into Trade, their Vessels being exempted from ye paym't of all those Dutys by w'ch it is rais'd.

P. S.— Here is advice of a considerable Event in these p'ts that ye Spanish plate Fleet, richly laden, consisting of 11 sail, are, (except one,) Cast away in the Gulph of Florida to ye Southward of St. Augustine, and y't a Barcalongo, sent from the Havanna to fetch off from the cont't some Passengers of distinc-

tion who were in y't Fleet, having recovered from ye Wrecks a consid'ble quantity of plate, is likewise cast away ab't 40 Miles to ye Northward of St. Augustine. I think it my duty to inform his Maj'tie of this Accid't, w'ch may be improved to the Advantage of his Maj't's Subjects if encouragement be given to attempt ye recovery of some of that Imense Treasury.

October 24th, 1715.

To the Lords of Trade :

MY LORDS:

I herewith transmit to y'r Lo'ps the proceedings of an Assembly more remarkable for their Votes than their Acts. I have already acquainted y'r Lo'ps with the occasion of my convening them, and the several matters I laid before them at their meeting. But instead of answering those Ends I proposed, after a Session of five Weeks, at ye Expence of nigh 350,000 pounds of Tobacco for ye pay of the burgesses and their Officers, they have only pass'd the three laws here enclosed, which, being inconsiderable, I shall not trouble y'r Lo'ps with any Observations upon them. And that I may not take up y'r Lo'ps' time with a detail of the other matters upon w'ch they imploy'd so many days, I beg Leave to refer to my Speech at the Close of the Session, wherein I sum'd up all their proceedings, w'ch Summary I made purposely for y'r Lo'ps' information, and chose to speak it openly in the presence of the Council and the whole Ho. of Burgesses, y't the Truth thereof might be less doubted at y'r Lo'ps' Board, And after such a Behaviour in the Burgesses, as is there represented, I hope you will not judge the Expressions too harsh, or ye Dissolution of such an Assembly too unadvis'd. Y'r Lo'ps may observe in the Burgesses' Journal some extraordinary Resolves, especially those of the 2d of Septem'r, whereby they have aim'd at laying me under certain Imputations, but since they themselves find they have therein so grossly erred from truth and good Manners, that almost every Burgess now disavows the Resolves and denies that he went into them. I

shall not trouble you Lordships with any further vindication of myself than barely refferring to my messages on ye 19th and 27th of August, for setting forth that Point in contest which related to ye two Justices, (Mr. Littlepage⁶⁰ and Mr. Butts,) and shall content myself with the Council's Message on ye 7th Septem. for clearing my Conduct from the Aspersions w'ch the Burgesses offer'd to cast upon it, Not doubting but the Council's resolves upon the Lower House's proceedings will give y'r Lo'ps a pretty just Idea of the Justice, Veracity and good manners of the late representatives of the People. And as to the bills they had prepar'd, tho' I must confess that I was resolv'd to reject them if they had come so far as to be presented to me, yet their encroachment upon the prerogative of the Crown, and their Injustice to their fellow subjects, was so evident therein that the far greater part of ye Council threw out their bills without putting me to the Trouble of a Negative. I have, on former occasions, represented it to y'r Lo'ps as the misfortune of this Country that the bulk of the Ellectors of Assembly Men consists of the meaner sort of People, who, besides their inclination to favour men of their own Stamp, are more easily impos'd upon by persons who are not restrain'd by any Principles of Truth or Hon'r from publishing amongst them the most false reports, and have front enough to assert for truth, even the grossest Absurdities. This has been practic'd by some on former Elections, but by none so much as the late members of Assembly, who, finding Tobacco to be now valuable, in hopes of making great Advantages by their Sallary, thought it worth their while to take extraordinary pains to secure their Election, while Gentlemen of better understanding and more plentiful Estates, not tempted with the same desire of Gain, despis'd making their Court to the Populace by such vile practices, and by that means were disappointed of Representing their Countys, except in two or three Countys: Besides, these mobish Candidates always outbid the Gent'n of sence and Principles, for they stick not to vow to their Electors that no consideration whatever shall engage them to raise money, and some of them have so little shame as publickly to declare that if, in Assembly, any thing should be propos'd w'ch they judg'd might be disagreeable to their Constituents,

⁶⁰ Probably Richard Littlepage, of New Kent county.

they would oppose it, tho' they knew in their consciences y't it would be for ye good of the Country.

To remedy this evil in ye legislature is w't my thoughts have been bent upon, and after proving it to be incurable by the direct ways of an Assembly, I have at length fall'n upon a Stratagem by w'ch I hope to work the Cure. I have observ'd y't the law by which the Burgesses claim their allowances does not more than declare that they are entitled to 130 pounds of Tobacco ^{per} day, and, thereupon, I have caused to be printed and dispers'd the two enclos'd Queries. This Caution, I understand, is like to prevail upon ye County Courts, and by this means I expect to bring Either the Burgesses Allowances to pass every Session in ye book of Claims or they to Submit to a new Law w'ch lessens the Temptation to mean necessitous fellows serving in Assembly.

Some of the Indians I formerly mention'd to have made overtures to this Government for a Peace, have been again here, but as they did not bring with them the Chief men of all the Nations in confederacy with them, I did not think fit to proceed further in the Treaty, lest by opening a Trade with these, the other Neighbouring Nations should, by their means, be supplied with amunition and enabled to continue their Hostilitys. The reason these Indians gave why the other Nations did not send their Deputys at the same time, was upon a doubt made by one of their Great Men whether the Orders sent from hence really came from me, because he observ'd the Seal different from those he had seen come from this Colony; This being hung to the Paper and the others stampt upon it; but to remove that Scruple, I have, by return of these Messengers, sent a paper under the old Seal, upon w'ch they give me assurances that all the others will come in, and in the mean time I have agreed with those Indians that whilst they refrain from any hostilitys against his Maj't's Subjects, both this and the other Colonys, they shall not be attack'd by this Government; but nevertheless that there shall be no Trade with them till such time as all their Nations come in to conclude a Peace. Here are now two Gent'n come as Agents from So. Carolina to treat with this Governm't for a further Assistance of men, but ye Treatment those already sent have found there has entirely disabled me, (tho' I were never so willing,) to afford them further Succours, for, tho' the chief encouragem't for raising the men here was the promise of that

Governm't to send hither an equal number of Slaves to work on their plantations during their Absence, yet not one hath been sent, nor any great prospect of their being sent at all so as to do the service expected of them. Another Condition was, that the Virginians should be comanded by their own Officers, and should Act in one body, but even that, also, is broke, The Govern'r of Carolina not allowing of my Commissions and dispersing the Men into Garrisons remote from one another; And, in short, every one of the Articles are violated, and such Complaints from the men of ill usage in respect of the pay and Cloathing promis'd them, y't I am perswaded I could not find one man in this Country that would engage in that Service. And as this body of 150 Men sent to So. Carolina is the first Assistance of that kind which I can understand has been given by any of his Maj't's Plantations here to the other, so I'm afraid the great discouragements this hath met with will make it the last; And it is the more ungrateful in the Governm't of Carolina to treat our men in this manner, considering the Signal Service they have done them, for while the Governor had drain'd all his Garrisons for an Expedition against some Indians and ye North-West, about 700 Indians fell upon the Southern parts of the Province and destroy'd all before them within a few miles of Charles Town; but the forces sent from here arriving just at that time, immediately march'd, mett with and defeated y't body of Indians; And it is to them y't the preservation of the rest of ye Country is owing; but the treatment of the Virginia forces may be easily accounted for from the alteration of the Carolina Affairs, w'ch are not now under the unhappy Scituation they were in when those men were rais'd, for since the last defeat the Indians appear no more on their frontiers, and the Northern Nations ceasing their hostilitys and suing to this Governm't for peace, 'tis probable the others will soon follow their Example. The Revenue of 2 S's a hhd. falling so short as y't the Establish'd Salarys due last April are not yet paid, the Receiv'r Gen'l has not prepar'd any accounts thereof, which is the occasion that I can't send y'r Lo'ps ye State of that Revenue by this Conveyance. Your Lord'ps will observe by my speech to ye late Assembly, y't I recommended the supplying that Deficiency, but it was not to be expected that men who neglected providing for ye necessary defence of their Country should regard the

support of its Governm't. I have long since taken notice that this Revenue must necessarily decrease the more the Inhabitants fall into Trade, seeing their Vessels are exempted paying all those Dutys by w'ch it is rais'd. This Consideration has made me almost every Session to recommend to ye Assembly the raising some other Fund as an Equivalent, but I find there's no reasoning against Interest, the Exemption of Virginia Owners from paym't of dutys is too beneficial a privilege to be parted with, and since the laying Tax whatsoever, even in the greatest necessitys, is hardly to be compass'd while the humour of ye people is more intent upon private benefit than ye public Safety, or hon'r of the Governm't. Your Lo'ps will Judge how little a Governor's endeav'rs, assisted only by his own hearty inclinations, is likely to prevail for supplying this deficiency, unless some other means be used to oblige the Country to support the Governm't, w'ch I must leave to y'r Lo'ps' Consideration.

October 26th, 1715.

To the Bishop of London:

MY LORD:

I have had the hon'r of y'r Letters by Mr. John Brunskill⁶¹ and Mr. Benj'n Pownal⁶², who appear to be men of so good Characters that I can with a better grace insist upon more advantageous terms for settling them than some other of the Clergy have had heretofore. It has been the custom here to make agreem'ts with their Ministers from year to year only, and some have had the imprudence to take upon themselves the Care of two parishes for ye same Sallary w'ch ought to have been paid them by one; and others to ease their Parishes of the Charge of providing Glebes, tho' they are oblig'd to it by the Laws of the Country; but as there are several Parishes in com-

⁶¹ Rev. John Brunskill appears as the incumbent of Wilmington parish, June 18, 1724, and of Hamilton parish, Prince William county, in 1754-5. *Perry—Virginia Church Papers*, pp. 199, 406, 430.

⁶² Rev. Benj. Pownal appears to have left the colony before Dec. 1, 1721. *Ibid*, p. 249.

petition for these two Gent'n, I shall endeav'r to settle them in such a manner as that they may loose none of ye Advantages they are intituled to, and I hope while y'r Lo'p supplys the Colony with such good men it may be more easy to put the Clergy on a better footing than they have hitherto been. Notwithstanding the disappointment of those Supplys, w'ch y'r Lo'p had the * * to Sollicete w'th her late Majesty for Christianizing the Indians, I have not given over the prosecution of that design. The late erected Indian Company have built a fine School house at one of the Indian towns, and I have settled a Master there, to whom I allow a salary of 50 £ ~~per~~ ann. There are 70 Indian Children under his care, great part of w'ch can already say the Lord's Prayer and the Creed, and both these Children and their Parents seem much delighted with the hopes of their being made Christians and taught to read. Among those under the care of this School M'r was the Queen of that Nation, a Girl of about ten years of age and of a very promising disposition, who dyed some days ago. I had promised to be her God-father when she should be Christened, and at her death she seem'd to express her self with much concern that she could not see us. I look upon the education of these Indians to be so feasible that I should be very sorry if it miscarry for want of a suitable support, and tho' during my continuance here I shall very readily contribute my Assistance towards it, yet yo. Lo'p, I hope, will pardon me if I make it my request that you will use yo. interest to obtain either from his Maj'tie or the Society some Fund for carrying on y't work hereafter, since you know I am only here during pleasure. I shall not give y'r Lo'p any further trouble at present than to beg your blessing and to assure you of the great respect with which I am.

October 27th, 1715.

To Josiah Burchett, Esqr:

S'R:

The time being now lapsed in w'ch the Argereen [*sic.*] Passes you sent me were to be in force, I here enclose you a list

of the few I have delivered out upon the Collector's Certificates. As to those that remain, being now of no more use here, I shall wait for the Admiralty Board's directions here to dispose of them. It seems impracticable for these Plantation Vessells to be furnished with Passes from England so as to suit their Voyages; for the only Trade in w^{ch} they need them being that of the Maderas or Western Islands, and the market there uncertain, if a man must delay his Voyage till he sends for his Pass he may often find himself disappointed; besides, that performed, it often requires so much time after the date of the Pass before it can reach hither that the year may be expired before the voyage for w^{ch} it was granted is finish'd, for which reasons it would be necessary that some other way be fallen upon to secure the trading Vessells of these plantations, w^{ch} you will please to represent to y^r Lords of the Admiralty. I am, &c.

VIRGINIA, Feb'y 16th, 1715 [1716.]

To the L^{ds} Comm^{rs} of Trade:

MY LORDS:

Having, not long since, rec'd the hon'r of two Letters from Y^r Lo^{ps} of ye 4th and 18th of August last, I rejoyce to find yo^r Lo^{ps} inclinable to examine into ye manner of passing and auditing the Acc'ts of his Maj't's Revenue here, Since it is a point wherein I have had ye greatest struggle with the officers concern'd but because I would represent nothing in relation to that affair, but with the Knowledge of those Officers. It has been the Result of a Council sometime before the receipt of y^r Lo^{ps}' letter, that the Auditor and Receiv'r Gen'l should deliver me in writing a Breviat of the manner of keeping and passing these Acc'ts, upon w^{ch} I am to make my observations and then submit the whole to y^r Lo^{ps}' determination, and I should have now transmitted the case to y^r Lo^{ps}, had those Gent'n thought fitt to have delivered it to me before this Ship sayl'd. I have many exceptions against the present method of keeping the accounts of ye Revenue, and I doubt not to be jus-

tified by y'r Lo'ps, when, (according to his Majest's Instructions,) I demand that particular books be kept of the Receipts and payments of every branch of his Maj't's Revenues, whereas there are no books at all kept now, the Officers contenting y'm Selves only with keeping one general acc't of the gross Sums. It is also remarkable that tho' the Receiver Gen'l never sees one acc't of the particular Collectors, but trusts entirely to ye Auditor's Certificate that there's so much due, yet he alone is the only officer that Swears to the produce of y's Revenue. I doubt not y'r Lo'ps will be of the same sentiments with me, that both the Auditor and Receiv'r Gen'l should be privy to yestating the Acc'ts of the private Collectors, and both Sworne to ye Gen'll Acc't, Otherwise, I don't see how one is a check upon the other, as was the principal end of their Institution. I shall not trouble y'r Lo'ps with any further remarks till I receive y'r ans'w'r of the Officers of the Revenue, when I shall take ye first opportunity of laying the whole matter before you.

As to what y'r Lo'ps are pleas'd to require in relation to ye number of Militia of this Colony, I can only at present tell y'r Lo'ps that it consists of about 14,000 horse and foot, but as I am now putting that matter under a new Regulation, I shall in a little time be able to send a more distinct and perfect Accompt; but as to ye particular number of white men able to bear Arms, it is impossible for me to discover it any otherwise than by the List of Tythables, w'ch this last year amounted to 31,658, under which denomination we comprehended all Male Persons, White and Black, above the Age of 16 years, and all Negro, Indian and Mulatto Women of the like Age, for their being no Law enjoying the People to give any other List, it is in vain to demand any other Acc't of them since it would be without Certainty.

I have heretofore transmitted to y'r Lo'ps' Board an acc't of all the Stores of War within this Colony; all that has been sent since my Arrival here are 300 fire locks, 300 Soldiers' tents, 154 barrels of Powder, 3 Ton 7 lb. of Musq't ball, 2 field-pieces, with their Carriages and furniture, all w'ch are in good order, but as I am now removing all the small Arms and Stores into a new Magazine, lately built here, I shall, immediately after they are put in order, then transmit to y'r Lo'ps an Acc't of all; and continue the same from time to time as there is occasion.

As to ye enquiry y'r Lo'ps are pleas'd to make how the Neighbouring Indians stand affected to ye British Interest, my last letter to y'r Lo'ps' board will have inform'd you that even those Indians that are in War with So. Carolina show a regard for this Colony, by saving some of our Inhabitants, who fell into their hands amongst the Carolina people, and by applying to this Governm't to beg a peace. I have not, since my last, heard from So. Carolina, and have therefore reason to conclude their Affairs are in no ill Condition, else they would not have been so long silent, since this is the only Governm't from whom they have receiv'd any Assistance. As for the Nations of Indians nearer to us, they are less powerful, as they are Tributarys and under an entire Subjection, and I hope, by the regulation I have establish'd among them, they will rather prove useful friends than dangerous Enemy's to us. The most considerable Nation of 'em are settled on our Frontiers at a fort I have lately built, and w'ch is to be maintain'd by the Gentlemen of the Indian Company. The Land they are seated on is extraordinary Good. All the Indian trade of this Colony is carry'd on at their fort, and the Company have, out of regard to their Permitting their Children to be educated in the Christian religion, agreed to furnish them with goods at a Cheaper rate than any other foreign Indians. So that they are well pleas'd with their Circumstances, and as they are an increasing Nation, I doubt not they will both prove a good Barrier on that Quarter against the Incursions of any forreign Indians, and also keep in awe our other Tributarys, (who already stand in fear of them,) if they should at any time be inclinable to give us disturbance, especially when once the Nation is brought over to ye Christian faith, for which purpose I have, at my own Expence, settled a School Master among them, who has at this time 100 of their Children under his care. After so many years spent in fruitless Endeav'rs to ascertain ye Boundaries between this Colony and No. Carolina, and the frequent trouble w'ch that dispute has occasion'd to y'r Lo'ps' board, I hope ye pro'sal w'ch I here enclose will be the more acceptable, as it is the only Overture which has been made from ye beginning, wherein both Governm'ts could be brought to acquiesce; And indeed is the only Expedient I can think of to put a speedy end to this Controversy, for while both sides insisted on the boundary which each claimed and brought posi-

tive Evidences to support their pretensions, while the Observations of the Lattitudes were disputed, and the Instruments by w^{ch} they were taken Questioned, and that, notwithstanding the repeated orders of her late Maj^{ty} for ye proprietors to appoint new Commiss^{rs}, four years have pass^d without any Step made on that part towards complying with those Orders. It was not easy to foresee an end to this Contest, tho' the Inconveniencys to both Governm^{ts} by the continuance of this dispute is very obvious, and likely still to increase—many people settling themselves in those contraverted Lands who own obedience to ye Laws of neither Province. If the Observations of ye Comm^{rs} and Survey^{rs} of this Governm^t are just, his Majesty can be no great loser by runing the boundary as propos^d in ye enclos^d Paper, viz., a due West Course from Corrotuck's Inlett; but if these observations should prove erroneous, whatever shall be lost thereby will be made up by saving a great expence in running this Course rather than the transverse line from Curratuck to Wicconi, through one of the most uninhabitable and impracticable wilderness that is known in these parts, where the best Artists we have must have been at a loss to Steer to the point designed, and consequently must make divers Experiments which would increase the Charge. But without arguing any more upon the Advantages of this Proposal, I shall only add that I have acted herein what I think most for his Maj^{ty}'s Service, according to ye present Light I have of that affair, and shall submit to y^r Lo^{ps} to lay it before his Maj^{ty} with such Recommendation as you judge it deserves; And if his Maj^{ty} shall approve thereof, and that the Lords Proprietors will readily come into it, I shall then hope for the Satisfaction of seeing a speedy determination to a very intricate and perplex^d business.

To prevent any Cavils w^{ch} may arise in laying out the Boundaries, I humbly propose that y^r Lo^{ps} would be pleas^d to obtain such Instruments to be Sent in hither as shall be approv^d on by his Maj^{ty} and the Lords Proprietors, and that directions may be also sent in what manner the charge shall be defrayed, since there will be occasion to employ several people for marking out the Line, and in some places to make use of boats, of which it is reasonable the Proprietors should bear their proportion.

I shall observe y^r Lo^{ps}' directions as to ye other particulars

mention'd in y'r Letter, of w'ch y'r Lo'ps shall have an Acc't as occasion offers, being desirous of nothing more than to give y'r Lo'ps proofs of the Respect w'th w'ch I am, &c.

May 8th, 1716.

To the Com'rs of ye Customs^{ss}:

HON'BLE GENTLEMEN :

I am to acknowledge the hon'r of three of yours—vizt., of the 30th of July, 9th of August and 30th of Septem'r past—the first, being sent in a Ship w'ch touch'd in Ireland, were not deliver'd me till ye 26th of Decem'r, at w'ch time Mr. Keith being gone from hence, and I was obliged the next day to take a Journey to ye Frontiers of the Governm't, had not an opportunity of signifying to him y'r Hon'rs' Comands till ye 20th of January ; the next day he sent me his deputation, together with the enclos'd Letter, both w'ch I take the liberty to transmitt, that you may see in w't manner he resign'd that Post to w'ch the fav'r of y'r Hon'ble Board had first advanc'd him. I also send the Transcript of several Papers w'ch he deliver'd me at his setting out from hence to ye Northward, and which I understand contain his last Transactions in his Office. His Majesty's warrant, mention'd in y'r Letter of the 30th of July, for discharging the prosecution against Mr. Kennedy, has since been followed by an order for repealing the Act upon which that prosecution was founded, so that the suit is now at an end. Your letter of the 30th of September was delivered me by Mr. Birchfield, and as I hope all y'r Officers will do me that Justice to own that I have always been ready to countenance and assist them, I beg leave to assure y'r hon'rs I shall not be wanting in any Assistance I am capable of giving Mr. Birchfield in the discharge of the Trust you have been pleas'd to repose in him, and that I shall with pleasure lay hold of all Opportunities to testify the respect w'th which I am.

Hon'ble Gent.

^{ss} They were Sir Walter Young, Sir Matthew Dudley, Sir John Stanley, Sir Thos. Frankland, Sir Chas. Peers, John Pulteney and Thos. Walker.

May 9th, 1716.

To the Lords Comm'rs of Trade:

MY LORDS :

The inclos'd Memorial being deliver'd me some days ago by the Gentlemen of the Virginia Indian Company, I lay hold of the first opportunity of transmitting it to y'r Lo'ps in hopes it may arrive in time to prevent the Effects of a petition said to be prepar'd for obtaining a Repeal of the Act of Assembly pass'd here for the better regulation of the Indian Trade, upon the faith of w'ch this Company was formed, and seeing, at their desire, this is to be presented to y'r Lo'ps by their Factor, Mr. Robert Cary, merchant in London, I shall therefore make that Affair the sole subject of this Letter.

I cannot refuse the Company the justice to give my Attestation to the truth of what is contain'd in their Memorial, as the Circumstances of the trade before the passing this Act, the measures they have taken since to render it beneficial and safe for this Country and agreeable to ye Indians by a just and equitable rule of dealing, and the great expences they have been at, as well for the publick Service by building the Magazine for ye King's Stores, the School for ye Indian Children, and making provision for maintaining that necessary Barrier of our Frontiers, the Fort at Christanna, as the Charge they have been at upon their own private account in building Warehouses, clearing Roads, and making bridges for carrying on their Trade, without reciving hitherto any other profit therefrom than what is like to arise by the Cargo they are now to dispose of.

I doubt not y'r Lo'ps have, upon perusal of that Act, observed the several ends propos'd thereby, vizt: The keeping the Indians from rambling amongst the English plantations; the fixing their Trade to one public Mart where all unjust and fraudulent dealing might be discovered; the recovering a Trade with the forreign Indians, which, by various Accidents, had been entirely lost to this Colony; the easing the Country of ye Charge of maintaining the Fort of Christanna, which is so necessary a Barrier to ye Southern Frontiers of the Country; the laying a foundation for converting the Indians to the Christian faith, and the preserving his Maj't's Stores of Powder now in the

Country, from the like fate as others had undergone of decaying and becoming unserviceable.

I beg leave to touch upon these several heads to demonstrate to y'r Lo'ps the reasonableness of passing the Act now desired to be repealed and that the same could not possibly be accomplished any other way than by confining the Indian Trade to a regulated Company.

It has been the general observation, both in this and the Neighbouring provinces, that the Indians have rarely ever broke with the English, except where they have receive some notorious Injury from the persons trading with them; that when Liberty has been given for ye Indians to trade at the English plantations, Advantage has often been taken, by making them drunk, to impose upon them in the price of their Commodities, which, they not being acquainted with the method of seeking reparation by law, have frequently revenged by the murder of the Offender, believing that since by their Customs, the punishm't of murder may be commuted by the paym't of a certain number of Skins or other Commodities, the defrauding them of any part of their Goods, might, with equal reason, be punished with Death, and it is also observable that when any rupture has happened with the Indians, their first attack has been upon those plantations they most frequented, and whose strength they were best acquainted with. For these reasons I have labour'd by all means to keep the Indians as remote from the Inhabitants as possible, both to prevent any Accidental Quarrels between them and to keep them strangers to the weakness of our Frontier Plantations, and I hope y'r Lo'ps will be of opinion that the first part of this Act is well calculated for that end, as I can assure y'r Lo'ps it has already had a good Effect by lessening the Complaints which the Governm't here used formerly to be troubled with. As it was but too frequent heretofore for ye Traders to impose upon the Indians in the price of their goods, So it was common with them to undermine one another by either depretiating the value of their Neighbours' goods or giving ill impressions of his own honesty, and thereby filling the minds of the Indians with Presentments. Such Indirect practices could be no way prevented but by establishing one certain place to which all the Trade should be brought, and placing it into the hands of such persons whose interest might engage

them to keep up a fair rule of dealing; and that this is fully answer'd by the present Company, will appear evident from the moderate price they have put upon their goods and the injunctions their Factors are laid under not to exceed those establish'd rates. The Trade from Virg'a, with foreign Indians, has been declining for many years. No man of any circumstance has adventur'd any otherways than by trusting goods at a considerable advance to indigent persons, (who had no other way of living,) to be repaid in Skins at their return. Thus the persons employed in the management of this Trade, being unable to dispute with the Governm't of So. Carolina, who seiz'd their goods and imprisoned their persons, were obliged to give over entirely any thoughts of carrying on that Commerce. And thus a trade which had been formerly so beneficial to Virginia, and wherein great quantitys of British Manufactures were vended, became entirely lost, and without a larger Stock than any private man was willing to venture, seem'd irrecoverable. Had the Governm't of So. Carolina been so observant of the Orders of their Sovereign as to Suffer the Virginians to pass through their province without molestation, it is plain the former Traders, acting upon the same footing they had done, could never have brought the comerce to any considerable advantage, whereas the fixing it in this Company, who are generally men of as good Estates as any in the Country, any small loss they may sustain will be no discouragement to ye prosecution of their designs. The maintaining the Fort of Christanna is of so great consequence to the securing this Country against the Attempts of ye Southern Indians, w'th whome we are in ye most danger of being embroil'd, that it is allow'd by all to give the Indians a greater impression of the Strength of this Country than all ye several bodys of Rangers which have heretofore been kept out at great expence. And as ye present Company have made considerable buildings and improvements at that place, and design to have a greater number of men than even the Law enjoyns them, the Frontiers on that Side are now freed from all danger, which will be no small benefit to his Majesty, in that great quantitys of Land will now be taken up and improved, which otherwise must have lain Waste and uncultivated.

I shall not trouble y'r Lo'ps with the progress already made for conversion of ye Indians, since it is particularly mention'd in

ye Memorial; but having lately entertain'd some Overtures from ye Cattabaw and several other Southern Nations of Indians for establishing a Peace between them and So. Carolina, one of the Conditions to w^{ch} they have agreed is, that two of ye Children of each Town, being sons of their great men, shall be deliver'd here as hostages for their fidelity, and maintain'd at their charge at the School at Christanna; and I now dayly expect to hear of their Arrival. And if it has heretofore been the reproach of this Country that so little pains has been taken to convert the heathen, I hope some time will be allow'd to this Company to try to wipe of that imputation by prosecuting a design to w^{ch} they have already so largely contributed. As It is evident that the Stores of War formerly sent in hither have been rendered unserviceable, for want of an opportunity for changing the Powder before it became decayed, by the means of the Company a convenient Magazine is erected, and an obligation on them that the Powder used in the Indian Trade shall be taken from that Magazine and new powder returned in lieu thereof, by which means the whole Stores of Powder will be once in every two or three years remov'd.

While a general liberty was given for all persons to trade with the Indians, it was impossible for ye Government here to prevent their supplying Enemys wth Amunition if they would but come up to the terms of the Traders in ye purchase of it. This has been verified in ye late Tuscaruro War, when, notwithstanding the repeated Orders of ye Government against furnishing these Indians with Stores of War, it is but too certain they had Supplys, both from ye people of Carolina and of Virginia; whereas while the Trade has been under the management of this Company, although some of the Indians in War wth Carolina have been here three several times to treat of Peace, and in their way called at ye Company's Factory, Not one pound of powder or Shott has been sold them, and whatever Representations the people of So. Carolina may make in order to raise a Clamour against the Virginia Company, it is plain, from ye concurrent testimony of several of ye men sent from hence to ye Assistance of Carolina, that when the Cattabaw Indians, (who had been here,) went to joyn the Cherokees in order to assist the people of So. Carolina to cutt off the Creek Indians, they had not so much as one charge of powder or shott to carry with them, and

I am very well Assured that among all the Indians who have been in here to treat of a Peace, (which have not been less than 200 at several times,) there has not been carried out of the Colony one pound of powder or ball, except a small quantity, w^{ch}, by the Advice of the Council, I presented them when they were last here, to kill game for their Subsistence in their Return.

From what I have already said, I hope it will appear to your Lo^{ps} that many Advantages accrue, both to his Majesty's Service and the benefit of the Colony, from the Act and the Company establish'd in pursuance thereof, which must fail if the Act is repealed. I must further beg leave to inform y^r Lo^{ps} that for many Years before the passing of this Act there were not above five or six Persons in the Colony that reaped any Advantage by the Indian Trade, and they have acknowledged themselves that their annual Import did not exceed £300. These few were frequently invited to enter into the Company, and the books were kept open for above two months in expectation of their Subscribing ; but instead encouraging an undertaking, w^{ch} was allowed by every body else to be the only way for recovering that Trade to Virginia, they all took all imaginable pains to diswade People from engaging therein, arguing that the Trade would never support the great Charge laid thereon by the Act of Assembly, and that its being under the restraint of the Government would infallibly ruine the persons concern'd whenever they should fall under the Administration of a bad Governor ; and, indeed, some of them were so open as to tell me they could Submit to have their Trade restrain'd and their persons and Effects liable to suffer whenever á Governor thought fitt to declare an Indian War.

I have been credibly inform'd that ye principal aim of ye Traders, in refusing to Subscribe themselves, and in diswading others, was to discourage the forming any Company, and if they could have accomplish'd that, the Trade would then, of consequence, have continued in their hands, without any of the Expences or restrictions to which it is now liable, since they were the only persons that lived most convenient to carry it on, but the Gentlemen who compose the present Company, not being moved with the like private Views, nor under such needless apprehensions of the power of a Governor, generously adventured, notwithstanding all ye discouraging Arguments which

had been used to them, And now that, by their industry, the Indian Trade is like to be recovered, it seems the old traders have set on some of the Merch'ts concern'd in the Virginia Trade, to petition for repealing this Act, and that they may the better succeed therein 'tis said they have engaged the So. Carolina Merch'ts to joyne w'th them. What arguments they can offer for dissolving this Company, I cannot readily imagine ; but, by what appears to me, the whole may be reduced to two points: Whether the benefit of the Virginia Indian Trade shall be vested in the hands of five or six at most, who all live on ye So. side of James River, with liberty for them to employ in the management thereof, (as the Custom has been heretofore,) all the lose fellows they can pick up ; Or shall it be in the hands of Twenty of the most Substantial Inhabitants of the Colony, whose factors are under an established Sallary and obliged to give Security for their good behaviour, And zdly, whether the Trade with foreign Indians shall be carryed through his Majesty's Government of Virginia or through the Proprietary Governm't of So. Carolina. I shall only add that after ye Company have been at so consid'ble Charge in clearing Roads, making Bridges, and erecting Ware-houses for carrying on their Trade, and more particularly having paid the purchase of their Trade by building a public Magazine for ye use of the Government, and making provision for the maintaining the Fort and Garrison at Christanna, beside the Expende of ye School there, Your Lo'ps will surely think it just that they should either enjoy the benefit of their purchase, or at least be repaid before it is taken from them. If it be alledged that the Assembly of Virginia ought to reimburse y't Charge, I can assure y'r Lo'ps I am so well acquainted with the Temper of that body of men, that no such thing is to be expected of 'em. I should not have given y'r Lo'ps this trouble if I were not fully p'swaded that the Act, w'ch is sought to be repeal'd, is a very beneficial one both for ye Crown and the people here ; and that the Indian Trade, as it is now settled in a Company, is like to be more for ye interest of G't Britain than ever it was heretofore. From ye first erection of that Company their great Aim has been to endeavor at a Trade with the Nations on ye other side of the Mountains, and by their encouragement a passage is, (since the date of the inclos'd Memorial,) discovered through

those Mountains w^{ch} have always been look'd upon as unpassable. They are preparing to open a trade that way, and seem resolved to push it on whatever it Cost, And as the difficultys and Charge of this undertaking must be great, So it is not probable it will ever be prosecuted, if the Trade falls again into private Hands. I ask y^r Lordships' Pardon for the trouble I have here given you, and submitting the whole to y^r Lo'ps' favourable Construction, I remain, wth the greatest Respect, My Lords, &c'a.

May 23d, 1716.

To the Lords of the Treasury:

MY LORDS:

As I look upon his Maj't's Revenues in all his Dominions to be under y^r Lo'ps' inspection, my Duty obliges me to inform y^r Lo'ps that the mismanagement of his Maj't's Revenues in this Colony have laid me under a necessity to suspend one of the officers thereof, Mr. Ludwell, who acts as Auditor. That y^r Lo'ps may have a clear light into the occasion of my proceeding thus against this officer, I take the liberty to inclose to y^r Lo'ps a copy of ye charge against him, in which is contained the several Endeav'rs I have used for improving his Maj't's Revenues, more particularly y^t of the Quitt rents, and what Obstructions I have encountered therein. Your Lo'ps no doubt expect the Govern'rs of these plantations are to be answerable, if, by their negligence, the Crown be defrauded of its Just Rights, and, therefore, a Governor may, with the more reason, hope for y^r Lo'ps' attention when his Duty obliges him to represent his incapacity to act for his Maj't's Service, while such Officers are in trust as make it their merit with the People to oppose his Majesty's Interest.

If your Lo'ps have leisure to compare the produce of ye Q^t rents of this Colony in former years with that Revenue has amounted to for the two years Past, since the Laws I got enacted, and the Schemes I contrived for the due payment and collection thereof have been put into execution, I am perswaded

yo'r Lo'ps will be satisfied that my endeavours have not been unprofitable; And y'r Lo'ps will be the more surpriz'd that any Officer, intrusted under his Maj'tie in ye management of that Revenue, should so farr forget his Duty as openly to oppose all those measures by which that Revenue has been increas'd, and still to contend for keeping the Accompts thereof in such a dark and confused manner as renders the discovering any Concealments of his Maj't's dues utterly impossible.

I have reformed, (tho' with much struggle,) Sundry Abuses in ye collection of this Revenue, and have several other measures yet in view, w'ch I am full assured would very much advance it, but while those who, by their Offices, ought to be assisting, run counter to all my Schemes, make their Court to ye people by Sacrificing the just Rights of the Crown, 'tis certain the best projected Schemes may be rendered ineffectual. I hope, therefore, y'r Lo'ps will aford me y'r protection, and y't by confirming the Suspension of the Officer I now complain of, to deter others from opposing his Majesty's Service for ye future. This will be some reparation for the many Insults and affronts I have met with from that Gentleman, and encourage future Govern'rs cheerfully to go on in the discharge of their duty when they see they shall be supported by yo'r Lord'ps' authority. I have given directions to the Receiver Gen'l to remit into ye Excheq'r what is yet unpaid of the £3,000 required by her Maj't's Instructions to be paid out of the Quitt rents.

May 23d, 1716.

To the Lords Comm'rs of Trade:

MY LORDS:

In my Letter to y'r Lo'ps of the 16th of February, (of w'ch I here endorse a Duplicate,) I express'd my Joy that y'r Lo'ps had taken a resolution to enquire into the State and manner of auditing and keeping the Accompts of his Maj't's Revenues here, seeing that by the countenance of y'r Lo'ps' Authority I hop'd to prevail with the Officers of the Revenue

here to put these Accompts into a more regular method, and to concur with me on other measures for a more just Collection of the Revenues than what is at present in practice; and I then inform'd y'r L'd'ps of my demanding a Report from the Officers of the Revenue to be transmitted in answer to y'r Lo'ps' Letter of the 4th of August. I have since receiv'd that Report, w'ch I here inclose, with my Observations thereon, and since I find the Auditor of the Revenues so obstinately bent to yield to no Reformation of the Abuses and irregularitys in the manner of keeping and Stating these Accompts, I have thought fitt, for this and many other breaches of his duty, to summ up his charge, and to suspend him from the Execution of his Office, a Copy of w'ch Charge I herewith transmitt to y'r Lo'ps, and hope to be justified in y'r Lo'ps' Opinion that I had great reason for what I have done. As this Charge concerns the Receiv'r Gen'l also, yo'r Lo'ps may think strange that I should suspend the Auditor and not him, but the reason why I have not, is that he is now in England, and I do not look upon his Deputy to be answerable for his Actions. Nothing less than the Duty I owe to my Sovereign could have induced me to make this step; for as one who, by endeavoring to save some honey for the Owner of ye hive, draws the whole swarm of Bees about his Ears, so I'm sensible my touching so nearly ye interest of a person who has a numerous kindred as well in ye Council as throughout ye Country, will expose me to be attack'd in all ye forms they can invent; but it is my comfort that whatever faults they may find with my Administration here in this Country, they are such as they dare not avow before His Maj'tie. or any of his Ministers. I have already been sufficiently branded by Mr. Ludwell and his Adherents, (who set themselves up for Patriots of the People,) for endeavouring to oppress the people by extending the Prerogative of the Crown. The Laws I have got pass'd for ye due payment of the Quitt-Rents, and the Schemes I have put in execution for the better collection thereof, have been represented as so many infringements of ye liberty of the Subject. The Tobacco-Law—which every one now owns to be of singular advantage to ye Country in raising the price of that Commodity—has been treated as an insupportable burden and trouble imposed upon the people, and even the Act for obtaining the registering of births and burials, (pass'd in obedience to ye Commands of y'r

Lo'ps' board,) is term'd a needless trouble and a charge upon the Subject. Your Lo'ps have had a late unhappy instance at home that there are men who are never easy under any Government whatsoever where they themselves have not the Chief direction of Affairs, and enjoy the greatest Share of the profite. Such is the temper of a Sett of men here, with whom no Govern'r has or will be easy when once he endeavours to promote the Service of the Crown in opposition to their private Interest.

These are the men who look upon every benefit that accrues to their Sovereign as so much taken from themselves; who envy his Majestie the profits of his own proper Estates and Revenues, and are offended if at their request His Maj'tie doth not apply them to such uses as they think most proper. These are the men that look upon all persons not born in ye Country as forreigners, and think that no other quallification is necessary for an imployment, nor ought to be considered in the disposal thereof, but that of being born in ye Country. These men may, w'th great Alacrity take the Oath of Supremacy, that no foreign Prince, Prelate, State or Potentate hath or ought to have any Superiority, &c'a, since by their professions and actions they seem to allow no Jurisdiction, Civil or Ecclesiastical, but what is established by Laws of their own making; but thanks be to God, there are but few persons of figure of this Stamp, tho' it is a misfortune y't some of them have been entrusted in the administration, and by that means had an opportunity of setting Examples to persons of Inferior Rank. The bulk of the Country, especially those of most consideration, are still free from y's Infection, And it is to them I dare appeal, as well as to ye public Transactions of the Government, which lye before y'r Lo'ps' board, Whether during my Administration I have aim'd at extending the Prerogative of ye Crown beyond the Limits w'ch ye Lords and Commons of G't Britain allow to be the undoubted Right thereof; Whether in all the measures I have taken for recovery of his Majesty's dues, I have offered at anything but w't every Subject having an equal right might justly claim by the Laws of ye Land; Whether his Maj't's Revenues of Q't rents is not increased beyond whatever it has been hitherto by the means of those Laws I have got pass'd and Schemes I have put in execution, and w'ch are so much the Object of these Men's Envy; Whether the Staple Comodity of

the Country, Tobacco, is not advanced in goodness and value beyond what has been known for many Years; whether the Government has ever been more quiet from ye disturbances of the Indians than since the late Regulation of the Indian Trade; Whether the import for ye Indian Trade, and ye Export of Skins and Furs, (even tho' the War in So. Carolina has prevented all Commerce with forreign Indians,) is not now greater than it has been for several Years past; and Whether the late discovery of a passage through the Mountains does not open a prospect of new benefits to ye Colony; Whether all the Shipping of the Colony is not increas'd to such a Degree as to carry on in their own bottoms almost that whole Trade which used to be managed by the People of New England, Bermuda and other Plantations; Whether His Maj't's Allowance of Sallary for supporting the dignity of the Government, (tho' I only enjoy the half,) has been more duly applied; And lastly, whether the Colony is not now in a more flourishing Condition at home, and more respected and dreaded by our Indian Neighbours abroad, than ever it was before.

As I account it my greatest happiness that during the six years I have been here no one part of my administration has ever been blamed by y'r Lo'ps' board, I hope I shall still enjoy y'r Lo'ps' protection, and so much favour y't no Representations, (for I doubt not but that Suspension will produce some,) may not be receiv'd against me unless they be as fairly stated, and as much opportunity given to answer it, as the Charge I have now given in against Mr. Ludwell.

The behaviour of this Gentleman, in constantly opposing whatever I have offered for ye due collecting the Quitt rents and regulating the Acc'ts; his stirring up ye humours of the people before the last election of Burgesses; tampering with the most mutinous of that house, and betraying to them the measures resolved on in Council for his Maj't's Service, would have made me likewise suspend him from ye Council, but I find by the late Instructions I have received from his Maj'tie that Power is taken from ye Govern'r and transferred upon the majority of that Board, and while there are no less than seven of his Relations there, it is impossible to get a Majority to consent to the Suspension of him or any other of that kindred. Your Lo'ps no doubt had reasons offered for inserting in these Instructions such

a Restriction upon the Govern'r as never was contained in any former Instruction, but I beg your Lo'ps to consider how consistent it is with His Maj't's Interest, as ye Case stands here, and how the Restriction agrees with the latter part of the Instruction, since, if a Govern'r cannot suspend a Councillor without the Consent of the Major part of that body, how can he help entering his Reasons on ye Council books, or prevail with them implicitly to joyn with him to degrade one of their own body without their knowing ye Reasons for ye Same, notwithstanding he may have never so just a Cause for keeping them Secret, and I cannot, but with the greatest Submission to y'r Lo'ps' Judgment, think it more advisable that a Gov'r should be entirely restrained from suspending any of the Council than that he should be obliged to seek the Concurrence of a Majority which he is never like to obtain while the Council are so constituted, and thereby expose his Majesty's Authority to the Contempt of those he intended to displace. There is another late incident which has given occasion to ye raising Mr. Ludwell's spleen, and 'tis this: By an Antient Grant, while the Country was under a Company, there was set apart for the use of the Governor, for the time being, a Tract of Land of 3,000 Acres, near James Town, the then Seat of the Governm't, joyn'ing upon which 3,000 Acres, S'r Wm. Berkeley, when he was Govern'r, took up a Tract of 2,090, and during 36 Years that he was Govern'r occupied both Tracts promiscuously, and took to himself several leases of that part of the Governor's Land which lay next to his own. Soon after my coming into ye Country I had the Governor's Land Survey'd, but Instead of 3,000 Acres I found it curtailed to little more than 2,000. I was satisfied ye Encroachment had been made on that Side which was reputed to be S'r Wm. Berkeley's Land, now possessed by Mr. Ludwell, and more especially when I perceiv'd on ye Records several leases and an Act of Assembly confirming to S'r Wm. Berkeley 70 Acres of the Governor's Land for ye term of 99 Years, and that Mr. Ludwell, who is the Successor of S'r Wm., would not own even y't he held any Such Land, but not having then found the Original Grant by which the Governor claimed, I was unwilling to enter into a Contest with them, and, therefore, proposed the settling the bounds of both Tracts by an Exchange of part of ye Govern'r's Land for some of Mr. Lud-

well's nearer to the present Seat of the Government, and there-upon writ a Letter to y'r Lo'ps' board the 30th day of June, 1713, for obtaining her late Majesty's Licence for that purpose. Thus that matter has rested ever since, 'till last Winter that Mr. Ludwell thought fitt, (according to a law of the Country,) to procession his bounds, very much to the prejudice of that Tract which is vested in ye Crown for the Use of the Governor; And this being the last Year of processioning, appointed by that Law, after which no bounds peaceably processioned are ever to be questioned, I thought it became me, both in regard to his Majesty's Interest and that I might not tamely suffer under any prejudice to my Successors, to enter a *Caveat* against this processioning, which has drawn me into a Law Suit with that Gentleman. I doubt not but as he has taken pains in this Country to asperse me, as if the Controversy had been raised on purpose to vex him, (tho' the Contrary is well known here,) he will be no less sparing of his Reflections where he cannot be so easily contradicted. And, therefore, I take the Liberty to enclose to y'r Lo'ps a state of that Case drawn up by his Maj't's Attorney-Gen'l here, and I beg that by y'r Lo'ps' favour I may have the opinion of ye King's Council upon it. I have been so far from acting with a vexatious intention, y't before I proceeded in this Suit I made the following Offers, That I would allow Mr. Ludwell to lay off his 2,090 Acres, and I would take the rest, Or I would lay off the Governor's 3,000 acres, and he should take the rest, Or, if he would quietly surrender what I took to be his Maj't's Right, I should be so far from offering to dispossess him of his house and improvements, tho' I am satisfied they are all on the Governor's Land, that I would give him a Lease for as long time as I had power to grant, upon the same terms as the other Tenants hold their Lands. w'ch is only a barrel of Indian Corn for every 25 Acres, and likewise joyn with him in a Petition to his Maj'tie to confirm that Land by Patent for an Equivalent near Williamsburgh, to be settled to the use of the Govern'r; but he, trusting rather to a Jury here, w'ch he knows well enough are not favourable to ye Right of the King, despis'd all these proposals, and tho', upon a Survey in the dispute, he took the liberty of treating me with more rudeness and ill-manners than I believe any Govern'r ever was treated; yet, to testify how desirous I am y't the Right of the Case should be known, and because I would not

be said to rely entirely on my own Judgment, I have consented to a mediation of persons indifferently chosen between us who are to examine into ye Titles and pretensions on both sides, and to endeav'r to bring it to a reasonable Composition between this and the next General Court. It is true that I yielded to this at ye instance of some of his friends, in expectation that he would make me some Acknowledgem'ts for the Affronts he put upon me, w'ch were so gross that some of his Relations, who were by at the time, begg'd me to impute it to his passion, assuring me that when he came to himself he would readily acknowledge his Error, but they have been mistaken in thinking the Person who makes it his meritt to oppose all Governors whatever, owned that as a fault, and seeing he and some other Gentlemen made it a Charge against one of my Predecessors, his using undecent language to them and others of the Council, I hope y'r Lo'ps will look upon it as a Crime, at least, equal in á Councillor to abuse a Governor, and give me a suitable Reparation for an Affront done to me in my public Capacity, which I should not have acquiesced under had it been offer'd to me as a private person. I shall only add this observation, that since the Lands now in dispute came into the hands of Mr. Ludwell's Father, that Family have never suffered any Governor to be at ease after he once begun to enquire into their Title, as y'r Lo'ps, by looking into the plantation affairs, will find that all the Clamours rais'd against Colo. Jeffreys, L'd Effingham, S'r Edmund Andrews and Colo. Nicholson have been fomented and Carried on either by the Father or the Son. It is now six years I have had the hon'r to be trusted here, and it is the first time I have given y'r Lo'ps' Board the Trouble of a Complaint against any person. It is with the greatest concern I find myself obliged to it now. I have never fail'd on every occasion truly to represent to y'r Lo'ps every step I have made in relation to ye King's Service and ye promoting the Interest of the Colony I have the hon'r to govern, and the pleasure of finding y't my Administration was not disapproved by y'r Lo'ps' Board, has encouraged me cheerfully to proceed without regard to the Opposition I have mett with here. I'm confident my very Enemys will allow me the Justice that in all the measures I have projected for encreasing His Maj't's Revenues, advancing the Trade, or securing ye Peace of the Colony, I have not aim'd at enriching myself, nor

can they tax me with one single Act of violence or Injustice. I therefore hope that what I have here represented will the more deserve your Lord'ps' attention, And that while I am zealously endeavouring to promote the Interest of my Sovereign your Lo'ps will so far interpose in my behalf as that by shewing some mark of his Majesty's resentment against the person I now complain of, others may be discouraged hereafter from attempting to obstruct His Majesty's Service.

May 23d, 1716.

To the Bishop of London :

MY LORD :

I have the hon'r of 2 letters of y'r Lo'p's by Mr. Philips and Mr. Barnard, and have, pursuant to y'r Lo'p's recommendation, Settled them to their own satisfaction—the one on the parish of Potomack River and the other near this place. Your Lo'p's great care in sending hither Men of good Character is the surest way of establishing the Clergy upon a sure footing, seeing it makes the Affections of the people concurr with the Rights of the Church. An instance of this has lately happened in the case of Mr. Barnard. The Vestry of that Parish where he now is had often contended that it was their Rights as Patrons to chuse their own Minister and displace him at their pleasure, and that no Minister should be received by them but who would officiate in a Neighbouring Parish, and thereby ease them of so much of the annual Sallary due to him by the Law, so that finding them very stiff upon these terms, I have delayed for some time supplying that vacancy; but upon Mr. Barnard's preaching in that Parish they took such a liking to him that they have been willing to receive him without incisting on any of those Conditions they have formerly pretended to.

In my last of ye 28th of October I took the Liberty to informe y'r Lo'p of ye progress made towards the Conversion of the Indians by the success of the School at Christ-Anna. It is a work y'r Lo'p has given me some hopes of being assisting in, and as I have very much at heart the Accomplishment of that

design, I intreat y'r Lo'p will be pleased to use y'r interest, (if nothing is to be expected out of ye Quitt rents,) for obtaining of the Society for propagating the Gospel, some contribution towards building the Church there, and establishment for a Minister. Abundance of people, tempted by the goodness of the Land, are seating near that place, but are above 60 Miles from any parish Church. These would willingly contribute as much as they are able towards the support of a Minister, and in a few years, I doubt not, their Number will be so increas'd as that a parish may be erected there. I have already set apart a Tract of very good land for a Glebe, and am now building a house which a Minister may have ye use of for his residence, and I am perswaded if a good man be sent in, the Indian Company will not be wanting on their part to give him all suitable Encouragement. So that if the Society shall be pleas'd to settle on him the usual allowance they give to their Missionarys, the additional Advantages he will meet with here will make his Circumstances very easy. And if it be considered how inclinable ye Indians are to have their Children instructed, that their several Nations of forreign Indians who have promised to send some of their Children to the same place, and that the constant intercourse between the English and Indians for ye sake of ye Trade, (which is all carryed on at that place,) and how much the Example of ye English, repairing thither to their place of Worshipping, facilitates the Conversion of these heathen, I cannot think ye Society can employ their cares more successfully than here. It would likewise be a particular satisfaction to me if some means were found out to continue ye same Establishm't I now give the School Master, and which must otherwise fail whenever I am remov'd from this Government.

May 24th, 1716.

To Mr. Blathwayt :

S'R:

I am sorry that the behaviour of y'r deputy here has oblig'd me to proceed to ye last extremity of suspending him from his office, but I hope when you have perused the enclos'd

charge against him you will have no cause to blame my proceedings any otherwise than that I have had patience so long to bear w'th his continual opposition to his Maj't's Service. It is true I first put him into that office, and I gratefully acknowledge y'r fav'r in confirming him upon my recommendation. I had the misfortune not to know so much of him as I do now, and tho' at that time I knew the relation there was between him and Mr. Byrd, yet the indifference w'th which they had behaved to one another made me think that there being so near allied would not render the one a less check upon the other, but the extraordinary intimacy which began almost immediately after their being both entrusted with the Revenue, I confess did not a little raise my Suppition; I soon perceiv'd the designs of both were to make their Court to ye People at the expence of the Crown, and that whenever I propos'd any thing for advancing the Revenue or putting the Quitt rents in a juster method of collection, I was sure to be opposed by these two officers, both publickly in the Council and privately in Conversation, and to be Characterized in the Country as a person endeavouring to oppress the people, of whose Rights and privileges they set themselves up as the Asserters and Defenders.

I have a long time borne with such kind of usage, and even with a great deal of ill manners from Mr. Ludwell, and out of regard to ye Office he held under you, have rather endeavour'd to gain him over by reason and mildness than to shew my Resentment, but finding him still grow more and more obstinate and perverse, I am forced at last, least I should be tax'd with neglecting my duty to his Majesty, to bear no longer with one who has no Regard to his. The Law I have got pass'd, and the Scheme I have put in practice for ye collection of His Maj't's Quitt Rents, and w'ch Mr. Ludwell thought fitt to oppose with his usual warmth, I hope will be found to have encreased the Revenue much beyond what it yielded heretofore. And if ye Officers of the Revenue would have concurred with me in ye manner of keeping their Accompts, (which they have positively refused to do,) and had not encouraged the people to refuse the giving an Accompt of ye Patentees' names under whom they held, I should have been able in a short time to have obtain'd an Exact Rent roll of all the Lands held of His Majesty.

I perceive in ye Memorial deliver'd into ye Treasury, about

ten years ago, some Overtures made for procuring such a Rent Roll, upon w^{ch} my Lord Treas'r Godolphin⁴⁴ was pleas'd to give directions in a letter to ye Gov'r here; but I hope you'll pardon me for telling you that the person from whom you had yo'r Information either knew little of the matter or was not heartily inclined to put you upon proper measures to obtain what the Memorial was design'd for. The Sheriffs are certainly very unfitt Officers for such a Service, since they are changed every two years, and for ye most part trust all to the management of their under officers, persons of small consideration and easily corrupted, besides they have too much other business on their hands during their Sherivalty, as leave them little time for suitable enquirys. I have long thought of putting the Collection of the Quitt rents into other hands, viz : the Survey'rs of Land, of which almost every County has one. These are standing Officers, depending on the Crown, and have greater opportunitys to know what land each man of the County holds, and under w^{ch} patent. In all disputes about titles they are employed to lay out the bounds of the Lands, and have the Orriginal deeds and patents for their direction. The Surveying of one man's land gives them occa-

⁴⁴Sidney Godolphin, third son of Sir Francis Godolphin; educated at Oxford; from an early age in the service of Charles II; one of the Commissioners of the Treasury, March 26, 1679; voted in 1680 for the exclusion of the Duke of York from the throne; succeeded Sir Leoline Jenkins as Secretary of State, April 14, 1684, but was transferred to the Treasury as first commissioner, August 24th, and on September 8th, in the same year, was created Baron Godolphin, of Rialton, in the county of Cornwall. On the accession of James II, he was made Lord Chamberlain to the Queen, and January 5, 1687, a commissioner of the Treasury, succeeding the Earl of Rochester. On the flight of James II, and while the country was in suspense, Godolphin voted for a regency, yet was, after the settlement of the crown upon William and Mary, made a Treasury Commissioner; in 1695, 1696, and 1701, he served as a Lord Justice; in 1701 he was made again, first Lord of the Treasury, from which position he had been removed in 1697. On the accession of Queen Anne, he was constituted, May 6, 1702, Lord High Treasurer of England; made a Knight of the Garter, July 6, 1704; one of the Commissioners to treat for the Union of England and Scotland, April 10, 1706; created Earl of Godolphin and Viscount Rialton, December 29, 1706, and made Lord High Treasurer of Great Britain, but was removed August 8, 1710; died September 15th, 1712, aged 67 years, and was succeeded by his son Francis, born September 3, 1678, only son by his wife Margaret, fourth daughter of Thomas Blague, Esq., groom of the bed chamber to Kings Charles I, and Charles II.

sion to discover the bounds and Titles of all the adjacent Tracts, and the Additional profit they would receive by the Collection of the Q't rents would encourage their diligence, as the danger of losing their places could hinder y'm from indirect practices, but as it is in Vain to attempt any such attention here while the People are so tenacious of their old Customs, and the Officers of ye Revenue, (who ought to assist the Govern'r,) encourage their dislike of everything a Gov'r does that is not calculated for their own advantage, that matter must be directed by a more powerful Authority, and if you think this may prove of benefit to ye Crown by obtaining a true rent roll and thereby encreasing the Revenue, as I am well assur'd it will, I shall be glad you have the hon'r of making the proposals, and that the orders come through your Hands. I am farr from believing you will countenance any Officer, who has the hon'r of y'r Commission, in defrauding the Crown, or affronting the Governm't, and, therefore, if my Suspension of Mr. Ludwell is approved of, I presume it will not be disagreeable to you to know that there are men of different Characters, to be found here equal to such a Trust, and whose Affections to his Majesty's Service are unquestionable. (I don't suppose that the Sallary of this Office will encourage any Gentleman to come from England.) The one is a Gentleman I suppose you have seen? Mr. John Robinson, Nephew to the Bishop of London, a man of good Circumstances and good Sence. The other is Mr. Peter Beverley, who has, for several years, been Speaker of the Ho. of Burgesses, and is, at present, the Country's Treasurer. They are both persons for method and exactness in their business, and have always behaved themselves respectfully to all ye Govern'rs they have lived under. A Character w'ch y'r present deputy is and alway affected to be ye reverse of, as well as his father, and there is also another Qualification these Gentlemen possess, that neither of them are related to that Family of w'ch it is the misfortune of Virginia to have too many in the Council and administration. If either of these Gentlemen shall obtain the Fav'r, I will engage for them y't they make good to you all the advantages you received from Mr. Ludwell, As I shall be also ready to embrace all occasions of promoting y'r Interest and of testifying the Esteem w'th which I am.

May 24th, 1716.

To the Lords Com'rs of Trade:

MY LORDS:

I lay hold of this opportunity by Dr. Wm. Cocke, his Majesty's Secretary of this Colony, to transmit to y'r Lord'ps the Journals of Council, as far as they have been examined at ye Board, according to ye Rule lately established. Those not yet read are only of two meetings in April, which shall be sent by the next conveyance. I cannot, on this occasion, ommitt recommending to y'r Lo'ps' fav'r and doing justice to the Character of this Bearer, That I have always found him act as a good Subject for the Service of his Maj'tie, and as a true Englishman, who has at heart the Interest of his Mother Country; That he has been very assisting to me in Council upon all occasions wherein these were concerned; And that he has readily applied himself to the reforming sundry abuses in his Office without disputing, (like some other officers here,) the Authority that enjoyed it. This Gentleman will inform y'r Lo'ps how improper the Seal appointed by her late Maj'tie is for the business of this Country. Abundance of things pass under it, for which the fees appointed by Law do not exceed 20d. apiece, scarce enough to pay for the Wax required for a Seal little less than the great Seal of England; besides y't, the patents and other public Instruments here are generally writ upon paper, and are easily torn by such a load of Wax seal'd thereto, so that I hope when his Maj'tie is pleas'd to direct another Seal for this Colony it will be such as is more suited to ye Circumstances of ye Country.

I have formerly represented to y'r Lo'ps' Board y't notwithstanding ye Time and Charge spent in revising the laws of this Colony some years ago, a perfect collection of those in force has never yet been attained to, and that the want thereof is no small inconvenience, both to ye Courts of Justice and to the people. This occasioned my setting ye Secretary, the Attorney Gen'l, the Judge of the Admiralty, and the Clerk of the Council upon examining the Rolls and Records of Assembly, and enacting therefrom such Laws as are still unrepeal'd or unexpired; And by a Letter from y'r Lo'ps' Board the — day of —, 1713,

encouragem't was given for prosecuting this Work, with hopes y't y'r Lo'ps would concur in obtaining his Maj't's Grant for ye sole privilege of printing those Laws, to ye persons concern'd in ye Collection thereof. The Secretary now hopes to carry with him a compleat Transcript of those Laws, and to lay them before y'r Lo'ps for y'r Approbation, intending thereafter to get them printed, And as this Work has been a considerable Trouble to the Gent'n concerned, and y't the only recompence they expect is from ye Sale of the Copys, I hope y'r Lo'ps will be pleas'd to use y'r Interest with his Maj'tie that they may have the sole benefit of the Impression for a term of years. After acknowledging the hon'r y'r Lo'ps have been pleas'd to do me in y'r favourable acceptance of my endeavours for ye Assistance of So. Carolina, It is not without abundance of Concern that I find my Self obliged to represent to y'r Lo'ps ye unhandsome return I have met with from y't province, notwithstanding it is owned by y't Governor, that to ye Seasonable Succours sent from hence, and their defeating, a few days after their Arrival, a strong body of Indians who had ravaged with the greatest barbarity within a few miles from Charles Town, at a time when there was no other force in their quarter to oppose them, is owing the preservation of that Country, and the ease they have found since in subduing the rest of their enemys, yet forgetting that signal Service, that Government has thought fitt to break through every one of the Articles upon w'ch that Assistance was lent. Instead of 22s. 6d., Virginia money £ month, a sufficient supply of Cloathing and a slave to be returned hither to work in y'r roome and for the benefit of each man sent to y't Province, our men have been compelled, by starving and imprisonment, to accept of $\text{£}4$ £ Month paid in their paper money, (w'ch is not of more value than 20s. of our currency,) in lieu of all the advantages promised y'm. There are now due 80 of these poor men sent back, and it appears too plainly how little valuable their Carolina pay has been, when, after 9 months' Service, they have scarce Cloathing enough to cover their nakedness, and not one penny to relieve their indigent familys nor to pay off the debts they stood engaged for before they went from hence, w'ch was their principal claim of their entering so readily in y't Service relying upon ye public faith of y't Governm't. I engaged my word to our men for the per-

formance of w^t Carolina had promised them, and even after I had heard enough of the ill treatment they had met with, I undertook to Advance a Sum of money upon the Credit of their pay towards the Relief of some of their familys who were most necessitous, little suspecting that a people who had so earnestly beg'd for Asssistance would refuse common Justice to those who had reliev'd them in distress, but to my great Surprize, I am left to bear the Reproach of the disappointment our soldiers have mett with to be answerable to their Creditors and to be tormented with the daily Clamours of the Wives of those ye Governm't of So. Carolina have thought fitt to detain in their Service, and are more perplex'd than ever I was in my life how to satisfy so many discontented people. I have, indeed, some faint promise that Carolina will still Contribute towards the Satisfaction of our Soldiers' Creditors, but I confess their past behaviour gives me but little hopes of a better performance of these than of their former promises, without some powerfull interposition than my barely urging to them the Obligations of their public Faith. I beg leave, therefore, in behalf of abundance of poor men left to ye mercy of disappointed Creditors, of sundry distress'd Widdows and indigent Wives and Children, to entreat y'r Lo'ps will be pleased to interpose y'r Interest with the Lords Proprietors y't some means may be taken to oblige their Province to do Justice, and to wipe off that eternal blemish it will be on that Country, if so many men must be ruined for venturing their lives in its defence. There is not a man that went from Virginia whose labour at his own Plantation could have yielded less than £20, according to the price of Tobacco this year, besides making Corne for ye Subsistence of his Family; and how can such a Treatment be reconciled with Justice, that those men who have relinquished so considerable a profit at home for ye sake of saving their Neighbour's Country, should at last be sent back without gaining so much as one groat for their pains. The Compassion due to these poor men cannot fail of moving the Lords Proprietors to take some measures for doing them Justice, but as I know too well how shuffling and dilatory American Assemblies frequently are, I further pray y'r Lo'ps to intercede with his Majesty to lend a Sum out of his Quitt rents to discharge in the meantime some of their Small Debts, and to relieve their

Familys, to be repaid again when the Governm't of Carolina can be prevailed on to satisfy what is justly due to them. I believe about £500 would go a great way in the making them Easy, and as such a Bounty from his Maj'tie would be very gratefull to ye People, so it would prove the most encouraging Argument that could be used if ever any other of His Maj't's Plantations should happen to want Assistance hereafter. I am ashamed that I cannot, with this opportunity, send y'r Lo'ps an Acc't of the Births and burials within this Colony for the last Year, but there is such a Reluctancy in the people to anything of Trouble, that above one-half of the Parishes have made no Returns. So that I'm obliged to Send out Orders to put them in mind of what the Law enjoyns them, and hope by the next Conveyance I shall be able to send a compleat List.

June ye —, 1716.

*To Mr. Fountain:**

S'R:

The account y'r Son has given me of ye Success you have had in the Education of Youth and the ample Testimonials he hath shew'd me of your good Character, together with the Inclination he says you have to remove in these parts of the World, have engaged me to recommend you to the Governors of the College of Wm and Mary, in this Colony, as a fitt person to supply an Office now in their disposal, namely, that of Professor of Philosophy and Mathematicks in ye s'd Colledge; And

* Rev. Francis Fontaine, son of Rev. James Fontaine, and descended in the third generation from John de la Fontaine, (born A. D., 1500, in the province of Maine, near the borders of Normandy; held a commission in the households of Francis I, Henry II, Francis II, and Charles IX, of France, continuously; martyred as a Protestant in 1563,) was born in 1697; came to Virginia in May, 1721; was the incumbent of York-Hampton parish, May 14, 1724; Professor of Oriental Languages at William and Mary College in 1729; died in 1749; married twice, first M. Glannisson, by whom he had issue: John, Francis, (both of whom settled near Newberne, N. C.,) Thomas, *d. s. p.*, and a daughter. He married secondly the daughter of one Brush, who was "gunsmith to Gov. Spotswood," and had issue: James and a daughter.

seeing I understand you have also the boarding of Youth, I have likewise propos'd your taking on you the care of keeping the College table, which will be no small Addition to y'r other Advantages. The Governors of the College have so readily concurred in y'r favour that nothing remains but y'r own application for this employment, and then your speedy Repair hither, that the College may not be disappointed of the benefit they expect from this, their choice. For if you come in any reasonable time the Professor's place will be kept for you, (which has a Sallary of £80 out of the Revenues of the College, besides 20s. a Year which every Scholar pays to the Master,) and you may assure y'r Self of the other business, if no other undertaker be accepted of before y'r Arrival.

The only objection y'r Son makes is, that by your coming hither you may be in danger of losing y'r pension from y'r Government, but as I understand that was given you for past services, I cannot apprehend how it can be forfeited by your removing into another part of the King's Dominions, where your Service is more wanted for the benefit of His Majesty's Subjects. It is fitt to tell you that this Colledge was first founded by King Wm. and Queen Mary, and was to consist of a President and Six Masters or Professors, but as it was necessary to employ great part of the Revenues in erecting a suitable building for ye reception of those Masters, so it was scarce finished when, by an unfortunate Accident, the whole Fabrick was reduced to Ashes, and by this unhappy Event it has never, 'till now, arrived to any greater perfection than a Grammar School, but now that the building is well nigh compleated again, those under whose Care it is, have resolved to prosecute the Original design of its foundation; And I'm glad to be instrumental in the hon'r you will have of being the first Professor of University Learning there. As the Letters I have received from you give me the occasion to make you this return, I shall refer you for other particulars to ye Letter you will receive from ye Rector of the College, and shall only here assure you of my readiness to serve you, or any of your Family whose inclinations lead them into these parts, and that I shall be glad of every opportunity to testify how much I am, &c'a.

July 3rd, 1716.

To the Lords of ye Admiralty :

MY LORDS :

Tho' by my letter to y'r Lo'ps' Board of ye 29th of December, 1713, you will find how little desirous I have been of putting His Maj'tie to unnecessary Charge for the guard of this Coast, yet the present scituation of Affairs in these parts obliges me to represent to y'r Lo'ps the necessity of re-enforcing the Guardships now here by another of the like, or greater force.

I have receiv'd information upon Oath that a number of profligate fellows have possess'd themselves of the Island of Providence. That the Crews of several Vessells fitted out at Jamaica for fishing on ye Wrecks have committed divers piracys, both on ye French and ye Spaniards, in those Seas, and being afraid to return home, are preparing to settle at Providence, and to strengthen themselves there against any power that shall attack them; That they have now a French Ship of 32 gunns, which they took last March, and have now mann'd her out with an intention to make prize of all French and Spanish Ships that come in their way; And tho' they give out that they will spare the English, yet that Gang at Providence have already taken and plundered some Vessels belonging to New England and Bermuda, and it is not to be doubted but whenever their Occasions require they will use all other in the same manner. Sundry of the Inhabitants of Providence, terrified with the barbaritys already committed there, have left the Island, a more particular Acc't whereof I have sent to the Lords Commissioners for Trade. Your Lo'ps will be pleas'd to consider the dangerous Consequences of suffering such a Nest of Rogues to settle in the very mouth of the Gulph of Florida, where the trade of Jamaica and of the South Sea Company must fall into their hands, and, indeed, the whole Trade of this Continent may be endangered if timely measures be not taken to suppress this growing evil. I hope your Lo'ps will, therefore, judge it necessary that another Ship of Force be speedily sent hither to Cruise on this Coast for ye protection of our Merchantmen; And if it shall be found practicable, in Conjunction with the Shoreham, to

attack those pyrates in their Quarters before they grow too formidable.

I hope what I have here taken the Liberty to represent will not be judged too Officious or impertinent, seeing the Governor of this Colony is in some measure entrusted with the care of those Islands, as having, by a Commission from his late Maj'tie, King William, the power of appointing the Officers of ye Admiralty there; and I, therefore, judge it the more incumbent upon me to give your Lo'ps this Information, which I beg you'll be pleas'd to interpret as proceeding from the duty I owe to his Maj't's Service, and ye unalterable respect with w'ch I shall always be,

My Lords, &c'a.

VIRGINIA, July 3d, 1716.

To the Lords Commiss'rs of Trade:

MY LORDS:

Since my last to y'r Lo'ps of ye 23d of May, (whereof ye enclosed is a duplicate,) I have rec'd Advice of some Events in these parts which I judge deserve the Attention of his Maj't's Ministers, And, therefore, would not lose the first opportunity of communicating the same to y'r Lo'ps. The enclos'd Affidavits will inform y'r Lo'ps of ye State of the Bahama Islands, more particularly that of Providence, where a Nest of Pyrates are endeavouring to establish themselves, and by the Addition they expect and probably will receive of loose disorderly people from the Bay of Campeache, Jamaica. and other parts, may prove dangerous to ye british Commerce, if not timely suppress'd. Yo'r Lo'ps will observe by these Affidavits the robberys they have already committed on ye Spaniards and French, and that they have taken a Ship of the latter of 32 Guns. What a Vessel of this force, man'd by a Company of such Desparado's, may be able to attempt is easy to imagine, and that they cannot long be without a greater power of Shipping amongst the number of Merchantmen which constantly pass through the

Gulph from Jamaica, almost in sight of the harbour they have possess'd themselves of. Upon this Occasion I judged it incumbent upon me, not only as having the hon'r-of being the nearest of his Maj't's Governors, but as having power by a Commission from His late Maj'tie, King William, under the great Seal of the Admiralty for ye appointment of the Officers of ye Admiralty in those Islands, to make a particular Enquiry into ye State thereof, and to that end have encourag'd the Master of a Sloop bound from hence on a trading Voyage to those parts, to mann extraordinarily the Vessel under his Command, and to endeavour to obtain the best Accounts he can of the number, strength and designs of those Pyrates; a Copy of whose Instructions I send here enclos'd. The man of War on this station not being yet returned from St. Augustine, whither I informed y'r Lo'ps she had been dispatch'd for the Service of South Carolina, I was unwilling to delay till her return. The obtaining this Information of the condition of those Islands, believing it of importance that His Maj'tie should be speedily informed thereof, that proper measures may be taken in time to prevent the ill consequences of suffering such a Crew of robbers to fix themselves there. And I hope what I have done herein will not be reckoned too officious or impertinent, Seeing the Governor of this Colony is, by the afore mentioned Commission, entrusted in some measure with the care of those Islands, and I hope I may be pardoned if I offer my humble opinion that it highly concerns His Maj'tie's Service and the Interest of Great Britain that some Governm't be speedily establish'd in ye Island of Providence, and the place made defensible against the sudden attempts either of Pyrates or ye neighbouring Spaniards, who have so often obstructed ye Settlement thereof, as well knowing that should the English grow strong there, that Island might be reckoned the very key of the Gulph of Florida.

Amongst others who have been upon these Piratical designs, one Forbes, with three other men, arrived here in this Colony about the beginning of last Mo., pretending the Vessel to which they belonged, and whereof Forbes called himself Captain, was cast away at Cape Hatteras, but soon after his arrival, it being discovered by his own discourse and the common talk of his men, y't he had been concern'd in beating the Spaniards from their Batterys erected on the Coast of Florida for guarding the

Wrecks, and that he had been also excessory to the taking the aforementioned French Ship, I had him committed to prison till he should give sufficient Security for his appearance when required to answer the charge against him; but he has since made his escape and I do not doubt has returned to ye same Company with whome he had first associated. I have on this occasion writ to y'r Lo'ps of ye Admiralty that another Man of War may be sent hither besides the present Guardship for ye Security of the Trade in these parts, and to be employed, if need be, joyntly for ye suppression of ye Pirates at Providence, for tho' I shall be always unwilling to put His Maj'tie to any extraordinary charge where the service did not require it yet I am sensible that there is an absolute necessity of reinforcing the Guard of this Coast since whatever professions the Gang at Providence make of not disturbing ye English and that they will only content themselves with making prize of all French and Spaniards they meet with there, yet there is so little Trust to be given to such People that it is not to be doubted they will [plunder] all Nations alike whenever they have an advantage, as they have already plundered some trading Vessels belonging to these parts that have fallen in their way. In my last I sent your Lord'ps the Copy of my Charge against Mr. Ludwell, Deputy Auditor, upon which I found myself oblig'd to suspend him. The next day after I had finished this Charge, I offered it him, and now after 5 weeks that he has had to answer, he at last vouchsafed to tell me in a letter that he looks upon me as an unnequal Adversary, and therefore will not enter into a paper War with me here but send his answer directly to y'r Lo'ps' Board, without allowing me a Sight on't, unless I will submit the dispute between us to ye determination of the Council, w'ch I don't think a very reasonable request, Seeing he has there Six in Ten who are his Relations, and who will never give their vote for turning him out of this Imployment for a misbehaviour, besides that, I don't find by his Maj't's 44th Instruction y't the Council have any Cognizance of such Cases. I am thereby empowered, without the Council's participation, to suspend Officers and to transmitt my reasons to your Lo'ps and to ye Commiss'rs of the Treasury, And this Method I have pursued, and believe the Case is before as competent and Impartial Judges as those Mr. Ludwell proposes to be tried by. But since, by his refusing

me a Sight of his Answer I am disabled from making any Reply, I beg the fav'r of y'r Lo'ps that I may have the Liberty of seeing that Answer and making my Observations thereon before y'r Lo'ps proceed to any decision therein, Seeing I can sufficiently make out every Article of the Charge, whatever Mr. Ludwell may pretend in his Justification. And I doubt not when y'r Lo'ps consider that I have no other aim than the doing Justice to his Majesty's Service and Interest, you will not too hastily give ear to the Representations of a person who has shew'd himself regardless of both. Except this dispute with the Auditor, this Colony is perfectly easy, So y't I have nothing further at present to trouble y'r Lo'ps with, than to repeat the Assurances of my being, with the utmost respect.

July 3d, 1716.

To Mr. Blathwayt:

S'R :

I am favour'd with yours of ye 2d of March, and am not surpriz'd to find thereby that y'r Deputy has been practising his old game of insinuating in private that which he knows will not stand the Test above board. This new method of receiving and accounting for ye Quitt rents, which he represents as inconvenient, was fully debated in Council before it was put in practice, and Voted by a Majority of that Board to be both Advantageous to ye Crown and easy to the people. All ye Argum'ts which either y'r Deputy or his Co.league, Mr. Byrd, could use were fully answer'd; but it is true they did not rest satisfyed with that determination, nor was it to be expected they should, since it did not Square with their Interest. If there are any new inconveniences arisen, which were not foreseen at that time, it would have been but fair, ere they had been complained of in England, to have communicated them here, where they might have been discussed in ye same manner as ye other Objections the Officers of ye Revenue made before; but I am satisfyed there are no other than what have been argued over and over, and already confuted. You are pleas'd to say that the Advance of ye Quit

rents is rather to be ascribed to ye price of tobacco than to ye new method of Collecting, And that if this should be made out to me upon the Plan you may desire, we may recur to the Ancient method, which, 'tis averr'd, was more easy and no less advantageous to ye King. I shall readily allow that the price of tobacco has contributed in some measure to ye Advance of ye Quitt rents; but that my Scheme has contributed more will easily appear by comparing the Acc'ts of that Revenue in former years, (when tobacco yielded as great a price,) with those of the two years past, you will find that the King never receiv'd above a penny a pound for his Q't rent tobacco at any time heretofore, and then some Countys were sold at a much less rate, so that the Rise of Tobacco was no great benefit to that Revenue; whereas, since my Scheme, none of the q't rents have been paid at less than a penny a pound in money, and wherever tobacco has been paid, His Maj'tie has had as good a price for his, as others for theirs. If I had hearkened to ye Arguments of the Officers of the Revenue, the new Scheme would have been of small advantage to ye Crown, for their Doctrine was that because Tobacco at a penny $\frac{1}{2}$ pound is equal to ye reserv'd Q't rent of two Shillings for every hundred Acres, therefore the King ought to take no more than that rate for his tobacco. And by this way of reasoning, tho' His Maj'tie bears ye Loss w'n tobacco runs low, he shall never reap any profite by its Advance; but for my part, I could not comprehend why the Officers should not make the best Market they could for His Maj'tie's benefit, where the people were contented to pay Tobacco, and I cannot yet see wherein I have been wrong, unless it be allowed that whatever ye Quitt rent Tobacco yields above a penny a pound ought to be the Perquisite of the Officers of the revenue.

I am far from insisting upon the continuance of my Scheme merely because 'tis mine, nor have I ever refus'd hearkening to such Objections as have been made thereto, or submitting the determination to better Judgements; but I must own that where people will oppose their own ease to their duty, or make use of frivolous arguing to colour over designs that they dare not own, I am not like to be much moved with such kind of reasoning, especially when Experience has shew'd me that the Regulation now made is more beneficial to ye Crown in ye practice than imagined in the first Conception of it. The

Officers had free Liberty to make their objections, and Mr. Byrd accordingly made his, w^{ch} I answered in Writing and sent to ye Lords of the Treasury; And I don't yet find that their Lo'ps have disapproved of my proceedings. I shall be ready to answer any other Objections that can be offered against the new method of collecting the Q't rents either here upon the place or by Mr. Byrd in England, who I know is y'r Deputy Agent, and I hope I shall have y't Justice to be heard in his Maj't's behalf before any alteration is made in the method now establish'd, but before this comes to your hand I doubt not you receive my Letter of ye 24th of last Month; And after you have perused my Charge against y'r Deputy, I hope you will be of another opinion than that we ought to recurr to the old practice, for I do assure you, S'r, that if I had not seen great inconveniencys in it, and no small prejudice to his Maj'tie's Interest, I should not have made the alteration.

The very next day after I had finished Mr. Ludwell's Charge, I offered it to him, and now, after five weeks' time that he has had it in his hands, instead of delivering me his answer, he has sent me a letter wherein he plainly tells me I'm not to expect any Sight of it, but that he intends to send it directly to ye Board of Trade. Surely, if he imagines he has therein sufficiently Justify'd himself, it would have been more for his advantage to have given me an opportunity to reply now that the whole matter might have layn fairly for a decision, and the sooner restored, if his Innocence had appear'd; whereas by his way of management the matter may lye for a long time undetermined, for I can't think either the Lords of the Treasury or Board of trade will proceed thereon barely upon his Negation, without letting me know his Answer and my reply. The Negligence of the Officers of the Revenue in not perfecting the Acts of ye Q't rents as they ought to have done, last April, will oblige me to appoint an Auditor much sooner than I intended, in order to pass these Acc'ts that they may be transmitted home.

The Person I intend to appoint in ye Interim is Colo. Peter Beverley, but without confining y'r Choice, if you shall be inclined rather to prefer Mr. Jno. Robinson, the other Gentleman I recommended to you; they being both Gent'n for whom I have a good Esteem, and such as I am confident will faithfully discharge their duty to the Crown and pay a just regard to you.

I'm very little concerned at Mr. Ludwell's boasted Interest at home and the Strong Support he expects there. I have done what my duty obliged me to, and however this affair may terminate, shall not discourage my endeavours, (while I have the hon'r to be entrusted here,) for promoting the Interest of my Sovereign and to distinguish such an act contrary thereto. As on the other hand, it shall be my care to keep a good Correspondence with all such as shall concur with me in his Majesty's Service, more particularly with your Self, to whom I shall gladly give proofs of my being,

S'r, &c'a.

July 11th, 1716.

To ye Lords Commiss'rs of Trade :

MY LORDS :

I heartily ask yo'r Lo'ps' pardon for troubling you again upon the Subject of Mr. Ludwell's Suspension, but as that Gentleman has thought fitt to conceal from me his Answer to my Charge, and that I can only learn in general from some Persons to whom the Answer has been shew'd here, that it contains many virulent Reflections on me, I hope y'r Lo'ps will excuse me that I am more than ordinary solicitous to vindicate my hon'r, it being what a Governor ought most carefully to preserve. And after having served my Prince and Country above one and twenty years in a public Capacity, without any stain on my reputation, it would be very unfortunate to have it now taken away upon the bare Assertions of a person whose malicious talent is as notoriously known in this Country as his constant Aversion and opposition to all Governors. I acted so fair a part with Mr. Ludwell that I offered him his Charge the very day after I had finish'd it, and the Conclusion thereof required his Answer to be returned to me, and this I take to be agreeable to his Maj't's Instructions in ye like Cases and to ye laudable practice of England, where the plaintiff always is allow'd ye perusal of ye Defendant's plea, and the Liberty of making a replication; but Mr. Ludwell's deviating from y't known rule

gives me ground to suspect there are some things in his answer which he is conscious will not bear the Test of a Reply, and y't he has chose rather to send the same directly for England, where, he fancys, some of the Calumnys may make Impression before I have an opportunity to wipe them off. I submit to y'r Lo'ps how far Mr. Ludwell is in ye Right in refusing to comply with the Orders I sent him for returning me his Answer, and whether a Governor's Authority in such a Case is to be entirely Slighted, when he is acting in pursuance of the Commands of his Sovereign. What I hope for from y'r Lo'ps' Justice, is: that his Answer may not be receiv'd until I have the perusal thereof, and an opportunity of making my Reply, And then I doubt not to Justify my proceedings, and to Evidence that I have acted a faithfull Servant to his Maj'tie, and one who has not forfeited the hon'r of y'r Lo'ps' protection, which I shall always endeavour to deserve by steadily pursuing his Maj't's Service and Interest, and giving y'r Lo'ps proofs of the Respect w'th w'ch I am.

Observations Upon the Mismanagement of the King's Revenues of Virginia, with the Lieut.-Govern'r's Charge against ye Auditor.

Forasmuch as the Improving and advancing His Majesty's Revenue of this Colony, and the keeping exact and regular Accompts of the Produce and Application thereof, hath been given in very strict charge to me, as well by the late Queen as well as his present Maj't's Instructions, I have, therefore, from my first entering upon the Administration of this Government, bent my endeavours in a special manner to discharge my Trust in that behalf, and upon examination of the method of keeping the said Accompts, often expressed my disapprobation thereof as not being transcribed into Books kept for y't purpose, nor lodg'd in a proper Office appointed for the same, but intermixed with the receiver General's private Accompts. And particularly, in the year 1712, having occasion to lay before the Gen'l Assembly the State of the Revenue of Two Shillings $\frac{3}{4}$ hhd. Port Duties and Head money in order to satisfy

that Assembly that the said Revenue had fallen short of Supporting the Charge of the Government; I found y't no such Books had been kept thereof as were proper to be delivered to the House of Burgesses for their Inspection, neither would the Officers of the Revenue concern themselves in preparing Transcripts to be laid before the Assembly as other persons in the like offices in England are oblig'd to do when required. And tho' the said Officers pretended they had bundles of papers w'ch could Vouch the Gen'l Accompts that had pass'd the Councils here, and been transmitted home to ye Treasury in England, yet could I never obtain sight of any papers that did set forth how the gross Sums for Escheats which these Officers thought fitt to credit the Revenue by, did arise, either mentioning what Lands were Reverted, from whom Escheated, or by whom the Composition had been paid. Nor how the gross Sums for fines and forfeitures had been made up, either noting upon what Account or from whom they had been received. Neither did there appear in any Office here the Particulars of the General Sums accounted for rights or sales of the Crown Lands, so that the Treasurer's bills, which he for these 17 Years past has had a power to strike upon that Accompt and which pass as ready money with all that are minded to take up Land, are under no manner of Controll but his own single Testimony especially seeing he is under no restriction for the number of Bills he may issue and that the Currency of them are under no limitation of time. As for the Crown's Revenue of Quit rents, I found no certain Rent Rolls kept of the Patented Lands, nor any measures really taken by the Officers of the Revenue for obtaining the Same, notwithstanding her Maj't's new and express Orders to them in that behalf, but, on the contrary, as if they never intended to have a Rent Roll, it had been contrived that the Collection should be every year by different persons and that the Lands chargeable with Quit Rents should be denominated or distinguished by every present Proprietor's Name, (which is continually altering,) and not by ye Patentee's Name, (which would always remain the same upon a Roll,) besides it was a standing maxim of the Officers that these Annual Collectors should have no manner of List from them to demand the Crown Quit rents by. The persons, too, who were chiefly employed in these Collections were the Sub Sheriffs of Countys, Men that

rarely have ever any dependance upon the Crown, and not often of such Characters as to have any expectations from the Government. What Accompts these Substitutes thought fitting to give in upon their words, their Masters, the high Sheriffs, brought and delivered upon their Oaths to the Auditor, swearing no further than to their knowledge in the matter, And much after the same manner the Auditor alone having perused those Accompts and given each Sheriff a Certificate of the Sum Total, which he had to pay the Receiver Gen'l according to those Certificates, and without seeing any particulars of ye Q't rents, made up the Gen'l Accompt and swore it was a true Charge and discharge of that Revenue. The Sheriff's returns of the Q't rents were uncouth medleys of rough, unmethodized Papers, yet were they the only rent Rolls which the Officers of the Revenue pretended to keep, without ever offering to have them transcribed into fair, intelligible Books, or gathered into one form of a Regular Rent Roll.

This Revenue being under such like management, it was no surprize to me to find it Subject to manifest Abuses, and not to enter into the detail of the Sub Sheriff's fraudulent Practices in ye Collection nor of the People's evasions in the Payment thereof, I pass to the Methods and Contrivances which were either directed or allow'd of by the two Officers of ye Revenue. The King's indulgence to accept the Q't rents in Tobacco was greatly abused by his Officers here yielding to the People's paying their worst, neither was that Tobacco sold by public Auction, as ye Sovereign's Instructions positively enjoyn, but dispos'd of at the private pleasure of ye Officers, without their rendering any account of the particular of Purchasers or Purchases, and by such their private Sales, early Assignments and other singular Contrivances, they had brought even those that did not plant Tobacco, to find it to be most for their Interest and Conveniency to discharge their Quitt rents with that Commodity. The Importation Rights, (or the Claim of fifty Acres for every Person coming to dwell in this Colony,) I found under the most Confused Regulation imaginable, County Court Clerks were in a practice of searching their old Records and giving Copys of Certificates of Persons imported some forty or fifty Years ago, and for such Rights great quantitys of the King's lands were granted, tho' there was sufficient reason to conclude that those

Claims had been satisfied long before. Likewise the Persons coming to dwell upon the Proprietor's Lands in the Northern Neck were admitted to prove their Importations, and their Assignees were thereupon allowed to claim the benefit of the Royal Charter, and to have an indisputable Right to fifty Acres of the King's Lands for every such Person. The Composition for Escheats I found were demanded and received by the Receiver Gen'l in Money at two pence $\frac{1}{2}$ acre, instead of Two pounds of Tobacco $\frac{1}{2}$ Acre, declared by the King's Charter to be the certain rate at which the People of Virginia should be allowed to compound for Escheated Lands.

And, Lastly, not to enumerate every small Abuse in the management of his Majesty's Revenues of this Colony, I have at length discovered that it has been a long and frequent practice to receive upon some Accounts for the King, Nineteen penny weight, called by the Officers a Crown Sterling, and to pay off sundry Services with Sixteen penny Weight, called a Crown Current, so that notwithstanding ye Auditor's Certificate and the Receiver Gen'l's Oath that their Accompts have always been a true Charge and Discharge of the Revenue, yet by this difference in the Crowns, near nineteen per cent. upon several considerable Sums of Money do remain still to be accounted for to the King.

The King's Revenue of Virginia, being at my Arrival in this Government, upon this footing, I very early Attempted to make some Reform therein, but never could bring the officers heartily to co-operate with me in such a work; however, I got the Council to concur with me in measures that I propos'd for putting a Stop to ye egregious Abuses in the Importation-Rights, and that the Sub-Sheriffs should Swear to their Accompts as well as the high Sheriffs. I obtained of the Assembly a Law to oblige the due payment of the Quitt-rents, and brought the officers of ye Revenue to allow that their General Accompts might be entered in a Book to be kept in ye Council Office, to which Govern'rs might, upon occasion, have recourse, tho' I must own I could not gain this point upon other terms than that the Book should be kept at the Trouble and Expence of the Clerk of the Council.

And, indeed, I perceiv'd the officers of the Revenue to be so utterly averse to alterations, and so tenacious of their dark and

idle method of keeping Accompts, that I concluded any further Reform to be a Work too difficult for me alone to bring about at y't time, wherefore I desisted for awhile, especially being advis'd that her late Maj'tie had appointed Colo. Francis Nicholson Commiss'r for examining and Stating all ye Accompts of Her Maj't's Revenues on ye Continent of America. I was willing to delay entring into a Contest with the Officers and those who adhered to their Interest here until his Arrival, that by the concurrent Opinion and Authority of a Person immediately Commission'd by the Crown for y't purpose, I might be the better enabled to rectify what was amiss. But the Commission to the said Colo. Nicholson being determined by her late Maj't's Death, And I being then more appriz'd of the Abuses in the Revenue, and better prepar'd with Laws that I had obtain'd to reform them, did, soon after his Maj't's Accession to the Throne, renew my Attempts afresh. But here I met with an opposition which I little expected from the King's Officers. They were not contented with obstinately disputing whatever I propos'd that carried the appearance of new Regulations in their Offices, and with using various Shifts and Pretences to prevent or delay the same, but to deter me from prosecuting such designs they endeavour'd to raise the Clamour of the Country against me by unfairly insinuating into the minds of the People y't it was their Cause they were defending against a Governor who aim'd at Inovations that would oppress them. And such a malignant part did the Auditor openly play, y't as he has sometimes taken occasion to contend with me in the face of World against what I have projected for ye King's Interest in the Collections of his Revenues. He has not only by his Argum'ts dictated to the People that they needed not pay Obedience to the Orders of Government, but he has likewise, by his language and Behaviour, taught them that they should pay no respect to the Person of Governor. One instance, (out of many,) will best illustrate this. One day when I was with calmness and good Manners setting forth to a Jury His Majestie's Right, the Auditor, offended at my Arguments, did, with great Passion, rudely interrupt, and told me, (in these very words,) that I was Hectoring and Brow beating the King's Subjects. Notwithstanding all this, I proceeded in my Duty to rectify mismanagements in the King's Revenue, and accordingly, for the better Collection of the Q't rents, I formed

a new Scheme, adapted to some laws which I had newly got to pass, and after a grand debate in Council, I had the concurrence of the majority of that Board for ye putting it in execution, And herein the Auditor and Receiv'r Gen'l gave a remarkable proof of either their want of Penetration to know what would be for the Advantage of the King's Revenue, or their want of Affection to execute what they knew was for his Maj't's Interest; for they, being both of the Council, most violently opposed every Article of Said Scheme, which, having now been experimented for two years, has been found to raise £3,879. 17, 5¼; whereas, by their former methods, the Produce of the four preceding years amounted to no more than £4,547. 1, 0¼. Besides y't, for the said Two years One Third of the Q't rents is still in Arrear, and which must be paid next year, or the Lands will be forfeited. But whether want of Penetration or Affection is to be imputed to those Officers, let us judge by the next Step they made, and one must conclude that they Acted upon the principle of gudging His Maj'tie the Revenue of Q't Rents, for no sooner had the new Scheme been agreed to by the Council but those two Gentlemen sat themselves to work to draw in the Assembly, which was then sitting, to Address the King for a surrender of the Quitt rents; And those few who would not implicitly come into the Address, which these officers had surpriz'd the Assembly into, and who refus'd to subscribe it, because some matters therein were falsely set forth, were called Enemies to the Country.

At length their Lordships of the Council of Trade, having by a Letter to me dated August 4th, 1715, taken notice of some Abuses, which they had been inform'd of in the Revenue here, and directed that the Accompts thereof should be laid before the Assembly for their examination, I did, thereupon, renew my instances with the Officers that such Compleat Books of the Accompts should be forthwith prepar'd as were proper for an Assembly's Inspection, remonstrating to those Gentlemen that what I had been urging them to for five years past was no more than what they might perceive their Lordships were now about requiring of them. Yet, with whatever I could say, there was no prevailing upon the obstinate humour of the Auditor to come into any new measures that might set the Accompts of the Revenue in a clear light, he still insisting upon the former practice of keeping the Particulars

thereof in disorderly Bundles of confus'd Papers. Whereupon, at last, to close the dispute, I sent the Auditor in Writing the 29th Art. of the King's Instructions to the Governor of Virginia, (whereby the said Gov'r is specially commanded, upon pain of his Maj't's highest Displeasure, to take care that the Accompts of the Revenue be kept in fair Books, in which shall be specified every particular Sum rais'd or dispos'd of,) requiring him peremptorily to declare whether or no he would forthwith comply with the said Instructions; And his final Ans'r was, That the full Power of Stating all Accompts of the Revenue here was lodg'd in his Master, the Auditor Gen'l of the Plantations; that he was oblig'd by bond to observe his Instructions, and that without his Allowance to obey, he could yield to no alterations I should think necessary in the manner of keeping the Accompts. Thus having faithfully observ'd upon the Abuses and mismanagements of the King's Revenues of Virg'a, and truly set forth, as well ye Advances I made as the Repulses I met with in attempting to redress them, I cannot think that I discharge my Trust if I acquiesce with the final answer of Mr. Auditor Ludwell, and suffer his Maj't's Revenues to continue longer under the Management of an Officer whom I charge with the several Misdemeanors that are contained in the following *Articles*:

1st. That, whereas, divers considerable Sums of money have been paid to the Receiver Gen'l for his Maj't's use, at the rate of Nineteen penny weight of Spanish Silver for each five Shillings, and the other hand sundry services discharged by him with Sixteen penny Weight for Five Shill's, Mr. Philip Ludwell, deputy Auditor of ye King's Revenues in Virginia, well knowing the said receipts and disbursements, hath, contrary to the Trust repos'd in him, Audited and Passed the Receiver Gen'l's Accompts without obliging him to give Credit to his Majesty for eleven pence, farthing on each Five Shill's, as being the difference between the Crowns received and paid away.

2d. That ye Said Philip Ludwell, having no regard either to ye Honour or Interest of ye Crown, has audited and pass'd the Compositions for Escheats, as paid in Money at two-pence ^{per} Acre, which is not only a manifest Violation of the Royal Charter, which declares the Subjects of Virginia shall compound for Escheated Lands at the rate of Two pounds of Tobacco ^{per}

Acre, but is also an evident diminution of the Crown's Revenue, seeing good Tobacco delivered in a convenient place, (which no one that expects a benefit would ever dispute,) has never yielded in the worst of times less than one penny ~~3~~ pound, and for two years past has been of thrice y't value. Besides that, even in accounting for Money, he knew the Receiver Gen'l never receiv'd less than nineteen penny w't of Spanish Coin for five Shill's, and if the receiv'r Gen'l was oblig'd to return the money to England, the Auditor could not be ignorant that, according to ye Common currency of the Country, the Exchange was less than Seventeen penny W't for five Shillings.

3d. The said Philip Ludwell being by his deputation enjoyned by all lawful means to recover all Arrears due to his Maj'tie of any of his Rents and Revenues; nevertheless, he, the said Philip Ludwell, not regarding the Duty of his Office, has suffered great Arrears of his Maj't's Revenue of Q't Rents to remain uncollected, or so much as demanded, although ye same have been from time to time return'd him by ye Sheriffs.

4th. In order to conceal the aforementioned Frauds and mis-managements from the examination of the Gov'r, he, the said Philip Ludwell, hath not only refus'd to keep any Book of Accompts himself, but hath, as much as in him lyes, obstructed and opposed the Receiv'r Gen'l being oblig'd to keep such Books, so that no particular Accompts of ye Rights for Lands, the Compositions for Escheats, nor the Fines and Forfeitures are to be found in the Auditor's Office, nor any where else in this Country during the whole time of Mr. Byrd's being Receiver Gen'l, except only of what has been paid since ye said Mr. Byrd went last to England, And although by his Majesty's Instructions it is required that an exact Accompt be kept of all Arrears of Quitt rents due to his Majesty, yet the Accompts of the said Arrears are so far from being exactly kept, that the same lye in the Auditor's Office in loose and neglected Papers, as if done on purpose to create the greater difficulty in the examination thereof.

5th. That the said Philip Ludwell, in Contempt of the K'g's Authority, and the directions signified in his Maj't's Instructions to me, hath positively refus'd to keep or consent y't such Books shall be kept as are required by the said Instructions,

without the particular Instructions of Mr. Baithwayt, the Auditor Gen'l, thereby endeavouring to set up the Authority of the Auditor General in Competition with that of his Majesty, which it is certain the said Auditor General would not offer at himself, nor countenance in his Deputy.

6th. That notwithstanding the repeated Orders for obtaining an exact Rent Roll of all Lands held of his Majesty within this Colony, which cannot be done unless the Names of the first Patentees be known, He, the said Philip Ludwell, being then Deputy Auditor of his Maj't's Revenues, and, by his Office, Obligated to use his utmost endeav'rs to receive his Maj't's Rents, and being also one of His Maj't's Council and bound by his Oath not to Assent to anything that may tend to his Maj't's Ditherison [*sic.*] did, in Novemb'r, 1714, publicly oppose the Orders of Government then proposed to be issued, whereby each Proprietor of Land was required to give an Accompt to the Sheriffs of the Names of ye Patentees under whom he claim'd, And the said Philip Ludwell did not only loudly Argue, before many By-Standers, that no man needed comply with the Govern'r's and Council's injunction in that behalf, since there was no Law to oblige him so to do, But did, accordingly, in the paying his own Q't rents at the next Collection thereof, set himself an example to the People of refusing to give in the Names of Patentees, by which means my intention of serving his Maj't's interests in so just a Point as that of obtaining a true rent Roll of his Lands in this Colony have hitherto been disappointed, And by his openly thwarting me on this occasion as well as on several others, whenever I have contended for ye Rights of the Crown and ye Interest of G't Britain, he has, to compass his Sinister ends with the People affected to appear the Zealous Defender of their Cause, and aim'd at rend'ring my honest endeavours for His Maj't's Service, suspected of dangerous consequence to their Interests.

7th. Whereas, in Decemb'r, 1714, I communicated to ye Council a letter from the Right Hon'ble, the Lords Commiss'rs for Trade and Plantations, whereby I was directed to apply to the Assembly for replacing some money that had been taken out of the Queen's Revenue for some particular Services of the Country, He, the said Philip Ludwell, betraying the Trust

repos'd in him as a Councillor, did, instead of Assisting me to obtain what was judg'd for her Maj't's Service, maliciously bestir himself to frustrate the Application which I was directed to make. He, the said Philip Ludwell, informing several Members of the House of Burgesses of the Message their House might soon expect to have from me, and Advising and Perswading them to use their Interest y't their House should no otherwise comply with my Message than to give in return an Address to be transmitted over to his present Maj'tie for a surrender of his whole Revenues of Q't rents to be apply'd for ye use of this Government.

And furthermore, the said Philip Ludwell was the principal Adviser and framer of the said Address, whereby he impos'd upon the Assembly with manifest falsehoods and reflections on ye hon'r of the Crown, affirming to y'm that his Maj't's Royal Predecessor had made an Absolute Promise of that Revenue to this Country, and that in breach of said Promise the Q't rents had for Nine years past been lodg'd in the Excheq'r in England and directed into another Channel; Whereas, the Gracious Letter of King Charles, on which he makes the Assembly to hinge their demand, can't possibly be wrested to such a meaning as that his Maj'tie intended ever to divest himself and his Successors of the disposal of the said Revenue; And he, the said Philip Ludwell, very well knew that at the time of framing the Address the Receiv'r Gen'l of Virginia was the Treasurer and Cashire of the Revenue arising by Quit rents, and so styled in the Warrants of her late Majesty, and that the method of coming at the q't rents was then the very same as ever, which was by the Gov'r's Warrant to the Receiver Gen'l here, ordering him to pay out of that Revenue such a Sum as ye Sovereign was pleas'd at any time to Signify should be granted.

8th. Whereas, by a Letter from the R't Hon'ble Lords Com'rs for Trade and Plantations, dated August ye 4th, 1715, their Lordships are pleas'd to require an Account of the Revenues of this Government, how the same do Arrise, and how ye Acc'ts thereof are Audited; and thereupon I, having delivered a Copy of the said Letter to the said Phil. Ludwell, as Auditor, for his report thereon, He, the said Philip Ludwell, being either very ignorant of the duty of his Office, or designing to deceive the said

Lords Commiss'rs for Trade and other of his Maj't's Ministers to whom the said Report may be communicated, hath most grossly misrepresented divers matters of fact relating to ye Funds from which the s'd Revenues are produced, and to the keeping and Auditing the Accompts thereof, and hath endeavour'd to impose upon his Maj't's said Ministers, as if the said Accompts were duly and regularly kept in Books set apart for y't purpose, and that the Regulations established for ye Collection of ye Quitt rents were duly comply'd with, although he knows very well that the same have not been observ'd even in the County where he resides.

9th. And lastly, while Mr. Byrd continues Receiver of his Maj't's Revenues He, the said Philip Ludwell, is, by his own Acknowledgment, an unfit Person to Audit and Comptroll the Accompts thereof, He having declared, upon a Debate in Council, (which was whether the People should not be permitted to pay their Quitt rents directly into the hands of the Receiv'r Gen'l and thereby save Two Pr. Cent. to the King's Revenues,) That the question ought not to be put to him for his Vote, seeing it was upon a Point w'ch touch'd Mr. Byrd, who, he said, was so near to him by relationship that it was well-known he always remov'd off the Bench in the General Court whenever there was to be tryed a Cause wherein Mr. Byrd's interest was in any Wise concerned.

To all which Articles I do require the said Philip Ludwell's Answer, and that I may not be suspected of combining with Him to defraud His Majesty of his Revenues, nor of consenting to keep the Accompts thereof in that dark and confused method which the said Philip Ludwell so much contends for.

I do, by Virtue of the Powers and pursuant to the directions given me by the 44th Article of his Maj'ts Royal Instructions for the Suspension of any Patent Officer or his Deputy, upon Misbehaviour, hereby suspend the said Philip Ludwell, Executing the Office of Auditor of his Maj't's Revenues of this Colony, Untill his Maj't's pleasure be further known. And I do hereby require the said Philip Ludwell to surrender all Papers, (and Books, if there be any,) belonging to the Auditor's Office, and them, together with the Keys thereof, forthwith to deliver up

into the Custody of the Person whom I, under my hand, appoint to take Charge of ye Same.

Given under my hand at Williamsburgh, the 24th of May, 1716.

A. S.

Jan'ry ye 16th, 1716 [1717].

To Mr. Poppie :

S'R:

The Letter you did me the favour to write of the 1st of May last, wherein, by Order of the Lords Com'rs of Trade, you inclos'd The Copys of the Queryes and other anonymous Papers handed to their Lord'ps' Board, came but lately to my hands, and now I lay hold of this first opportunity of returning my Answer, which I here enclose, Requesting you to preserve the same and to move their Lord'ps to a speedy Consideration thereof, that I may not ly under the imputation of Guilt through the malicious and false Suggestions of Secret Enemy's. I have suffered too much already in my private concerns by the Secret Attacks on my Reputation from the same hands that are now endeavouring to blast my publick Administration. Those very persons continually handed in the same dark manner to my friends in England, and particularly to my brother, such malicious Storys of my private behaviour as determined him to alter the intentions he had always declared of continuing unmarried and leaving me his whole estate at his Death, So that by such means I have lost above £20,000 by coming into this Country, and now, with the same unparrallell'd Wickedness, are they endeavouring to deprive me of the good opinion of those who have the inspection of my Actions in my publick Capacity. It cannot, therefore, But concern me very nearly, after having been traduc'd in so base and clandestine a manner, to have the Suggestions of my adversary exam'd, whereby I may be Justified from these groundless aspersions. I hope it will be thought I have endeavour'd to answer those Querys with as much calmness and temper as could be expected where my hon'r is so sensibly touch'd, and a charge exhibited against me so void of

truth. I understand Mr. Byrd is pressing very hard to obtain of their Lord'ps a determination of the Charge I exhibited against Collo. Ludwell, but As Mr. Ludwell's Answer has been kept so much a Secret here that I cannot learn from any person what it contains, I am apt to think there may be in it some further addition of secret Calumnys, which occasions It being so closely concealed here and so warmly press'd to be determined there, without giving me the Liberty of a Reply, whereby I may be enabled to justify my conduct in the suspension of that Officer, as I am very confident I can do by the most convincing proofs of every Article with which I have charg'd him; And, therefore, I hope from their Lord'ps' Justice, that I shall be allowed a sight of that Answer and the Liberty of making a Reply before any final Resolution be taken thereon, w'ch their Lord'ps will surely judge the more necessary, if there be any Recriminations contained therein. I shall, in a short time, transmit my Observations on the Papers their Lord'ps were pleas'd to send me relating to the Virginia Indian Company, together with the Council Journalls and other publick Transactions of the Government which the sudden departure of this small Ship would not allow me to Dispatch.

P. S.—Since the arrival of some of the London Ships, I am informed some people are very industrious there to spread Reports as if there were great dissatisfaction between me and the people of this Country. Lest this should be insinuated to their Lord'ps' Board, I take the Liberty to enclose the Copy of an Address from as considerable a Grand Jury as I have known in this Country, which was presented publickly to me no longer agoe than last October Generall Court, which I hope will be a better testimony that the Generality of the Country are not dissatisfyed with my Administration, than the Secret Representations of Anonymous Authors, or even the open ones of any single person or family, who are afraid of my having an opportunity to vindicate myself as knowing that their Accusations will not bear the Test of a fair Examination.

Jan'ry ye 16th, 1716 [1717].

To the Lords Commissioners of Trade and Plantations:

MY LORDS:

Having lately received from your Lordships' Secretary the Copyes of some Papers that had been sent to your Lord'ps by way of Complaint ag't me, I am, in the first place, most thankfully to acknowledge your Lord'ps' Justice in ordering those papers to be forthwith transmitted to me for my Answer and Observations thereupon, and next I am to beg your Patience whilst the nature of the charge obliges me, for my own justification, to lay at once before your Lord'ps a great part of my past Administration. Here in these Articles are mighty Accusations heap'd up ag't me; I am charged in plain words as Guilty of breach of Trust, breach of Oath, breach of the King's Instructions, breach of Faith in my publick Contracts, of tricking an Assembly out of £1,350, of Extortion, of Murder, of stirring up Sedition and Rebellion, &c. To be represented under these black Colours, cannot but strangely startle and sensibly touch a Gentleman who has anxiously endeavoured to maintain in the World the Character of an honest man and a faithfull Subject, and since your Lord'ps have been pleas'd to take so far Notice of this clandestine Assault that is made upon me as to transmit it over for my Answer, I hope you will have the goodness patiently to hear me set forth, in a true and full light, some matters that are only maliciously hinted at, and far from dealing disingenuously with your Lord'ps, as my adversary does, in affirming False facts, I will venture to join issue with him upon the minutest Point I shall herein advance, and lay both my Government and Reputation at Stake upon the Truth thereof. Were the Offer reciprocal, I should in this way of Proceeding defeat where he vouchsafes to descend to particulars, he most commonly betrays some gross Mistakes of his own, and when he keeps in Grounds, I protest I am often at a loss to guess what he drives at.

VIRGINIA, Feb'y 7th, 1715 [1716].

To ye L'ds Comm'rs of Trade and Plantations :

MY L'DS :

The enclosed, some Querys by way Complaint against Alex'r Spotswood, Esq'r, his Majesty's Lieut.-Governor of Virginia, all which will be proved by a Cloud of Evidences when your Lordships will be pleased to give your Protection to the Complainants from the Arbitrary and high flying principle, (which is so violent that Sac—ll,⁶⁶ Wotton,⁶⁷ &c., are not greater nor more mischievous than he would be,) till then the Complainants are obliged to conceal their names, and only can subscribe themselves,

Your Lordships'

most humble and obed't Serv'ts.

A. N.

To begin with the letter [of] A. N. that ushers in fifteen Queries which the Anonymous Author says will be proved by a Cloud of Evidences. I cannot entertain that diffidence of my Judges as to apprehend such Assertions delivered in this unfair and clandestine manner these are, will have any Weight towards laying me under the imputations of guilt or loseing my character at your Lord'ps' Board, untill the Author will appear with his

⁶⁶ Henry Sacheverell, D. D., a clergyman of the Establishment, who was exalted into temporary importance by the conflicting spirit of party. In 1709 he preached two famous sermons, (40,000 copies of which were sold,) the object of which was to raise apprehensions of the safety of the church, and to excite a rancorous hostility against the Dissenters. He was injudiciously impeached by the House of Commons and brought to trial in February, 1710, and, after a hearing of six days, sentenced to be suspended from the ministry for six years. The prosecution excited such a spirit of high church party that it ultimately overthrew the ministry, and to complete the satire established the fortune of Dr. Sacheverell. He died in 1724.

⁶⁷ Probably Wm. Wotton, (born 1666; died 1726,) a learned clergyman whose "*Reflections upon Ancient and Modern Learning*," published in 1694, involved him in a controversy on the relative merits of the ancients and the moderns, and subjected him to the satire of Swift in the "*Battle of the Books*."

Evidence, from behind those Clouds, to prove the matters of Fact alledged in his Charge, to explain the Sence and Meaning of some of his queries, and to make out how they touch me, and also I hope that ere faith be given to the many severe suggestions of my evil intentions, it will be expected this concealed enemy of mine will stand forth and show that he is neither a Person who has already been under the lash of just Government for his misdeeds, nor one who finds himself under a charge lately exhibited by me for the mismanagement of the King's Revenue.

I expected, from the said Introductory Letter, that on Party Principle would have been laid the main stress of my accusation; but since my Accuser has not, throughout all his 15 Articles, touch'd upon that head, I hope it will be observed that he manifestly gives up that point and plainly confesses he finds no matter of that sort to work up a Charge against me.

I need not, therefore, dwell long upon the Slander and Reflections in the Letter, but proceed to the Queries.

1st Query :

Whether the Gov'r, directing and forcing the Officers of the Customs to demand, Extort and take from the Masters or Commanders of any Ship or Vessell any fees or pretended dues not warranted by some Law, he, as well as the Officer, is not Arbitrary and Guilty of Extortion?

Answer to the first Query :

I deny that I have at any time forced or directed the Officers of the Customs to Extort, take, or Demand illegal Fees, and I challenge the Author of the Query to give a single instance of my ever authorizing an unjustifiable Demand of that kind, or pretending to dues which I had no right to. I am sure I can, on the contrary, set forth many particular of my generously foregoing my undoubted Dues, either for the encouragement of Trade or for the relief of unfortunate Masters and Owners of Vessells; The Reducing my own Fee with respect to small Vessells, so that many which always used to pay my Predecessors twenty Shillings, pay me but five or ten; the Remitting to Mr. Byrd, late Receiver Gen'l, my Third part of his Vessell, which was condemned for illegal Trade, and more

instances of the like nature which I might add, will, I presume, bespeak me to be no violent Abettor of Extortion, and testify that greediness of gain is no prominent Principle in me.

At my first arrival in this Colony I published the Sixty-second Clause of her late Ma'ty's Instructions, (as your Lord'ps may be satisfied by my Letter to your Board of the 18th of Aug'st, 1710,) whereby all Officers within this Government were enjoined publickly to hang up Tables of all those fees, and to give me Copys thereof to be transmitted to Her Ma'ty's Com'iss's for Trade and Plantations, and I have not understood that either at your Lo'ps' Board the least objection has been made to any of those Fees, or that any Master of Ship or Vessell has complained of these which ye Officers of the Customs owned they demanded, nor do I know what Fee my Adversary points at as not warranted by Law, unless he means the Governour's Dues at the Cloasing out of Shipping, which is twenty Shillings for every Ship or Vessell under 100 Tunns, and thirty for every one above that Tunnage; but this Fee, or a greater, has been allow'd of even from beyond the memory of Man, and as long as there is to be found any Records of Publick Acco'ts in Virginia, it has been constantly receiv'd by all my Predecessors, and I hope I shall be judged to have as just a claim to it as any who have gone before me, seeing I was invited to accept of the Station I now possess here, and that in the Estimate which was given me of the income of this Government, this fee was reckoned to me as an indisputable perquisite thereof.

2d Query:

Whether the Gov'r, putting Foreign'rs into the Courts of Judicature in this Colony, contrary to the Act of Parliament of 7th and 8th of King William, is not Guilty of the breach of that Act and of the Oath he took, and deserves to suffer the Penalty that Act inflicts?

Answer to the Second Query:

The only Courts of Judicature in this Colony are the General Court and Courts of Oyer and Terminer, the Court of Vice Admiralty and the County Courts. In the first the Gov'r and Councill are the only Judges, and are appointed immediately by his Majesty. In the second, the Councill have usually been the

Judges also. In the third, the Judges are Gentlemen of English Birth, and bred up at the Inns of Chancery, in the profession of the Law, And in the last, the Judges, who are termed Justices of the Peace, are chosen out of the Principall Inhabitants of the severall Countys, and have constantly been commissioned with the advice of the Councill, pursuant to his Ma'ty's Instructions, and no one Justice has ever been appointed by me without such Advice.

The Gentlemen of the Councill living dispersed in ye severall quarters of ye Country, and being thereby best acquainted with the Capacity of the persons in their Neighbourhood, do frequently recommend such as they judge most fit for the office of Justice of the Peace, and as it is impossible for a Gov'r to have immediately a personal knowledge of every one who is so recommended, or to know by their Names where they have been born, it may happen that among 3 or 400 Justices, some, of obscure and Forreign Birth, may pass for his Maj'ty's natural born Subjects, and through inadvertancy may be put into Commission, but as those inferior Courts have no Cognizance of any matter relating to the Acts of Trade, (which are constantly tryed and determined in the Court of Vice Admiralty,) I am humbly of opinion that the Judges of such Courts are not within the purview of the Act of Parliament of the 7th and 8th of King William, mentioned in the Query; Yet, to remove this part of the Charge, I do positively deny that I know of any Forreigners even in these inferiour Courts who act by my appointment, either as Judges or ministerial officers, and if any Slip of this kind has, without my knowledge, been made, ye querist, by honestly informing the Governm't here of such mistake, might, with less pains, have got the same Rectified, and would thereby have better shown an affection to his Ma'ty's Interests than by Lying upon the catch so triflingly to fault a Governour and the whole Council of a Province.

3d Query:

Whether ye Gov'r, under pretence of guarding the Frontiers, by building two Forts, one at the head of James River, the other of Rappahanock River, at the great charge and expence of the Country, and only to support two private Interests, in both which he is principally concerned, is not Guilty of a high Mis-

demeanour and breach of his Oath and of his Majesty's Royal Instructions ag't his being concerned in Trade?

Answer to the 3d Query:

The Querist, who has hitherto pickeer'd [*sic.*] at large and charged me only with Generals, seems here more fairly to approach and assault me with Particulars, but the very first matter of Fact he offers to mention happens to betray his Ignorance, for 'tis certain there is no fort within sixty miles of any part of James River, and had he been witness of the many painfull Marches I have taken through the uninhabited Woods to contrive for the Security of the Frontiers, he might have known that the ffort he would speak of stands above an hundred Miles from where he places it. I own there is a Fortress, with five Bastions, built on the Maherin River, and a settlement fortified with a Block-house and Pallisade on ye Rapidanne, both of them designed as Places of Rendevous, without the Inhabitants; the one to oppose the incursions of the Northern Indians, and the other of the Southern; but I cannot admit that the Country has been put to great Charge and Expence on acc't thereof, for I do averr that not one farthing or one pound of Tobacco has been Levy'd upon the People for those Works more than what was provided by Act of Assembly for the ordinary Charge of ye Rangers for the year 1714, and what was given for the security of the Country long before the design of fixing those Forts. And not only ye Expences of Building and maintaining these fortified Places, but also that of Guarding the whole Frontiers for the three Years past has, by my frugall Contrivance, been defray'd by little more than the sum which the Assembly had usually given for one year's defence of the Country.

My undertaking cannot be term'd a mere pretence of Guarding the Frontiers, seeing that while the Colony was Guarded by its old Method of Rangers it was continually alarmed in all quarters, and frequent Murders and Hostilits were committed, so that in the year 1713 above twenty persons were killed and carryed off by the Indians. But ever since I was empowered by an Act of Assembly to take such measures as I should judge most effectuall for securing the Frontiers, our outward Inhabitants have not been disturbed with so much as one single alarm. 'Tis well known here that to procure this Tranquility to the Country

I did forego my own Ease and safety more than ever any Governor of Virginia did before me, and that in order to attain a perfect knowledge of the Frontiers, I took a Range from South to North, without all the Inhabitants, and underwent the difficulties of lying out 40 days together in the Woods, and such an high opinion of the measures I then took, and such a gratefull sence of my Labours and Hazards had the whole Representative Body of the Colony, that the House of Burgesses, in the year 1714, (as may appear by their Journal of the 24th of Novem'r,) did unanimously agree to an address, wherein they greatly applauded my new Plan for the defence of the Frontiers, and very thankfully acknowledged the Pains I had taken to form and perfect the same; nay, and they particularly approved of, commended and encouraged those two settlements, which the Querist now accounts an high Misdemeanour to be concerned with. Besides, those Forts were not erected upon my own single Notions; the project thereof was communicated by me to the Assembly in the year 1713, and the Burgess' Journal of the 9th of Decem'r testifies that they not only declared themselves entirely satisfied therewith, but that they also made provision to enable me to carry on the design. Afterwards, in the Treatys w'th the Sapony, Nottoway and Tuscaruro Indians, w'ch were under several days' deliberation of the Council here, every Member of the Board concurr'd with me in making it an Article that those Forts should be built at the Indian Settlements; And lastly, the said Treatys being transmitted home to the late Queen, I received a Letter notifying Her Maj'ty's Approbation thereof 'ere I set out on my Expedition to build those Forts.

But here the Querist gives an invidious touch upon two private Interests that I have at those places, and obliges me to set forth what they truly are; 'tis, indeed, none of my Principle to publish my own Acts of Charity, But when the Malice of Satan shall, under false Colours, impute them to me as Crimes, it certainly behoooves me to unveil my Deeds, and nakedly to expose them for your Lordship's Judgement. I own that for some years past I have had at heart an undertaking which, I think, has hitherto been too much neglected in these parts of the World: that is, the making a beginning towards Christianizing the Indians, and for this purpose I have not only engaged our Tributary Indians to send some of their Children, (in lieu of the Tribute

they ought to pay me,) to be bred up at the Colledge in Williamsburgh, but have also prevailed upon severall Nations to enter into Treatys whereby they agree that all their Children shall be taught English and educated in the Principles of the Christian Religion, Whenever we shall establish Ministers and Schoolmasters at their Towns. In pursuance of this design, I began two years agoe to fix a Master at Christanna, (w'ch is one of the places pointed at in the Query,) paying him out of my own pocket a Salary of fifty pounds p^{a} Ann., and, perceiving that my presence as Govern'r greatly influences the Indians towards bringing their Children to School, I frequently resort thither. This is, in short, the Grand Interest I have at Christanna, and hoping I have said enough to satisfy your Lordships that my designs there are not Criminal, I shall avoid adding such particulars as might create a suspicion of my seeking the Reward or Praise of mankind for the Work I am carrying on.

As to the other Settlement, named Germanna, there are about forty Germans, Men, Women and Children, who, having quitted their native Country upon the invitation of the Herr Graffenreidt, and being greivously disappointed by his failure to perform his Engagements to them, and they arriving also here just at a time when the Tuscaruro Indians departed from the Treaty they had made with this Government to settle upon its Northern Frontiers, I did, both in Compassion to those poor Strangers, and in regard to the safety of the Country, place them together upon a piece of Land, several Miles without the Inhabitants, where I built them Habitations and subsisted them untill they were able, by their own Labour, to provide for themselves, and I presume I may, without a Crime or Misdemeanour, endeavour to put them in an honest way of paying their Just Debts. The Conclusion of this Query will show both the Malice and Ignorance of the Author, for as that of my Trading is a very false suggestion, so that of my being restrain'd therefrom, either by oath or Instruction, is an erroneous Allegation.

4th Query:

Whether the Govern'r forcing ye Indians from their Lands, w'ch contain 23,000 Acres, under pretence of purchasing it for four cows and calves, and taking English-men's Patented Lands

by a Survey of the said Land wrongfully begun, and selling the same for fifty shillings £ 100, Clear of Charges, and then granting them Patents for the same, is not Arbitrary and Illegal?

Answer to the 4th Query :

Herein the Querist displays more his own Spleen than any man's reall Grievance, and manifests his eagerness to catch at the lightest appearances to heap up Accusations whilst others must have the trouble of searching out the Faith of them. I have already, in my Reply to the foregoing Query, taken Notice of Treatys made with Sapony, Nottoway and Tuscaruro Indians, which were partly calculated to answer a Design of this Government, of placing those Indians in three Settlements upon our Frontiers, to serve against the Incursions of forreign Indians, as a securer and cheaper Barrier than eleven Troops of Rangers, (which were then kept in pay,) proved to be. When this Treaty came to be executed, the Saponys willingly comply'd and removed to the Fort w'ch I had built for their protection, 25 Miles without all our Inhabitants, and w'ch I guarrisoned with Twelve white Men and an Officer, who were designed to be employed to Range, two or three of them at a time, with ten or twelve Indians, and in times of danger frequently to beat the Woods between Settlement and Settlement. Here also was a Tract of Land of Six Miles Square, (containing 23,040 acres,) Surveyed and set apart for the Indians and the Guarrison; And this was what the Government intended at every one of the three proposed Settlements. But ye Tuscaruros and Nottoways, not standing to the Treaty, ye former returned to Carolina and the others continued, (as they do to this day,) upon their old Land. So the Saponys, being the only Indians who, under my Administration, have changed their Seat of habitation, must be the Nation meant in this Query. But this is the first time I ever heard it alledged that Force was used to remove them, or that I had made a Purchase of their Lands, and I am certain the Querist would be hooted out of this Town, did he show his face there to these Assertions, when every Indian would plainly confute him, as may appear by the annexed Affidavit, (No. A.). The taking away of English Men's Patented Lands is another imaginary Grievance that I never heard of before, and whoever is acquainted of Virginia and the just Protection of the Law, which the meanest

Subject there enjoys, will not believe that any man in the Colony will remain silent and patiently suffer a Govern'r to wrong and dispossess him of his Property. The only matter advanced in this Query that bears any Relation to truth, is the selling the Lands which the Saponys had quitted. 'Tis true they were sett up to Sale at a higher Rate than the common Price of the King's Lands, and near Three thousand Acres have been disposed of for Cattle and Provisions delivered at Christ-anna. The grounds of this proceeding was the Fifth Article of those Indian's Treaty, whereby it is expressly agreed, that whenever ye Government should think fitt to remove them, a Compensation should be made them for the Improvements they were to leave behind, and accordingly Fourteen Cows and fourteen Calves, with all the Corn I could procure from the Purchasers, were distributed among the Indians, and nothing was received but what was by me faithfully expended in carrying on their new Settlement, And as the Governor and Council of Virginia are entrusted with the disposal of all the King's Lands within this Colony, I humbly am of Opinion His Majesty will deem it a just and frugall Disposition that those Persons to whom the Indians' old improved Lands were granted should pay the Expences of the new Improvements, rather than to charge the Revenue therewith.

5th Query:

Whether the Governor, putting the Nottoway Indian King and Six of his Chief Men in Irons for Petitioning the Assembly for relief from Starving, is not Arbitrary and Illegal, and, in fact, Guilty of the Murther of the said Indian King?

Answer to the 5th Query:

I acknowledge that a Petition was presented to the House of Burgesses in the name of the Nottoway Indians, but the Council can witness that when the Chief Rulers of that Nation and the English Man who undertook to get their Petition drawn, were called before us, not only the Indians declared, (when they understood w'at it contained,) that it was framed contrary to their meaning and expectations, but also their Agent confessed they had instructed him with quite a different matter, and that he, of his own head, had turned their humble Suit for one thing into a Clamorous Grievance upon another point. Besides, the Petition

was found to be penn'd by a very turbulent and seditious person, merely with a design to reflect on the Honour of the Government, and to act counter to both Treatys and Laws of this Colony, whereby it is provided that in all Cases wherein the Indians are aggrieved they shall apply themselves directly to the Govern'r for Redress, and no such instance can be given of any application to the House of Burgesses, except upon a reference from the Governor. But this Petition was directly brought into the House of Burgesses by one of their Members, without any communication to the Govern'r or Council, and was contrived for no other end than to afford matter of Clamour to turbulent Spirits, Seeing that House was convinced they had no cognizance of it, nor did anything upon it. But, tho' the determination of all matters relating to the Indian Affairs has been constantly the proper business of the Governour and Council, and that no House of Burgesses ever before pretended to share that Authority with them, Yet the Journal of Council of the 10th of May, 1715, will plainly show that the Cause of Committment of those Indians was not what the Querist alledges, but for their obstinate Refusal to deliver Hostages for their fidelity, as by their Treaty they were obliged to do, and for such an insolent behaviour as was never before seen at the Council Board, and which strangely startled the Governour and Council to behold all of a sudden in these Tributarys. And I cannot think I have therein acted either illegally or Arbitrarily, seeing every private Justice of the Peace hath a power to commit to Stocks or Prison any one who behaves himself insolently in his Presence when legally called to answer, and the same Methods have frequently taken by the Governours here when the Indians have misbehaved themselves, and have been found the best means of bring'g those Savages to Reason. Besides, it was judg'd of pernicious consequence for the Indians to be possessed with a notion of the Governour and Council being subordinate to the House of Burgesses, like as two little buisy fellows living in their Neighbourhood had endeavoured to infuse into their heads, perswading the Nottoways that by the influence they had in that House the Indian Affairs should be otherways ordered, and all their desires answered in spite of the Govern'r and Council. So that their Correction was continued more to root out of their Heads a dangerous Notion than to inflict on their Bodys any severe

punishment, for all that was done to them was a light iron Shackle put upon each of them for two or three days, without confining them, but letting them walk with the same about the Town, where the Burgesses were then met in Assembly; And, tho' the Chief Person of the Indian Nations is distinguish'd amongst themselves by the Title of King, Yet every one knows that those Kings are of no great Consideration among the English, nor of much authority among their own People, and as to the Nottoway Nation in particular, I will maintain that there is not so great distinction between their Kings and their People as there is between a Corporal and the private Centinels of a Company in regular Troops.

But the Conclusion of the Querist's Charge in this Article wherein he would brand me with the Murther of the said Nottoway King, is the most extraordinary Instance of his Veracity, and shows that he imagined his Querys should have their Effect, without my having an Opportunity given me to vindicate myself, for otherwise he would never have had the assurance to tax me with the Murther of a person who is still alive and in good health now as he was at the time he was put in Irons, and I don't hear that either He or any of his Great Men, (as the Querist calls them,) have complained of any Hurt they receiv'd during the four days they Walked about in Irons.

6th Query:

Whether the Gov'r protecting Men in Arbitrary and Illegal proceedings, and contrary to the direct Letter of the Law, is not Guilty of a breach of that Act and a joining with those Arbitrary Proceedings?

Answer to the 6th Query:

I shall neither dispute the Position, nor cavil at the Sence in this Query, not doubting but to stand Acquitted of the Charge of this Article, so long as my Adversary cannot Name the Person who has been by me Protected in Illegal Proceedings, nor recite the Law that has been transgressed.

7th Query:

Whether the Gov'r's two queries, put out by himself, and his Commanding the Members of the Court at their Peril not to

Levy for the Burgesses their allowances due to them by Law, and has been the constant practice of the Courts ever since Assemblies has been in Virg'a, and is not only Warranted by Law but Justice and reason, is not only Guilty of raising the Minds of his Majesty's Subjects not only to Sedition but Rebellion, and a Malitious Arbitrary Contrivance to disturb a quiet and peaceable Government, and a forcing Courts to do Injustice?

Answer to the 7th Query:

This Query is the very Reverse of the foregoing One, for in that a Charge is levell'd against me for suffering Persons to act contrary to the direct Letter of the Law, and in this it is for my cautioning Justices to proceed Strictly according to Law, and here I am accused of Forcing Courts to do Injustice for but offering to apprise them of what is Law. Indeed, if there be any force in this Accusation, I am more highly to blame than the querist yet knows of, for I have been endeavouring for some years past to have all the Laws of the Colony brought to light, and have lately transmitted home a compleat Collection thereof, in order to be printed and published for the better information of all our Justices here, who are too apt to suppose Laws that never were in being, and to neglect the Execution of others that are actually in force. Nor can I wonder to find them frequently guilty of such Errors, when I know they have not the opportunity of perusing all the Acts of Assembly, seeing there has not been one entire Body of them in the possession of any Man, or in any Office, within the Government. If there is so material a concern as that of Levying Money upon the Subject, I gave the Justices to understand there was no Law empowering or directing them to lay a Poll Tax for payment of the Burgesses, yet I published nothing untill I had the Opinion both of his Maj'ty's Attorney Generall and of all the eminent Lawyers in this Country upon that point, and I humbly presume the Circular Letters, (No. B.,) which I wrote to the Council when I sent them my two queries, and my Letter to your Lord'ps' Board, of October 24th, 1715, (to both which I beg leave to refer,) may satisfy your Lord'ps that my proceeding on this head was somewhat else than a Malicious Contrivance to disturb the Peace of the Government, And whatever that querist's private Opinion may be, I am not yet convinced that Justices of the Peace, taking

upon them to Levy ye Burgesses' Allowances, are warranted in so doing by any Law either of England or of this Colony, Nevertheless, I was so far from commanding the Members of the Courts at their peril not to lay that Levy, and if there had been such like Commands, it can be no difficult Task for the querist to bring some Proof thereof, and untill he does that, I hope his bare assertions on this point will gain no credit.

'Tis a very strange Consequence that the querist supposes, when he imagines the People's minds may be stirred up to Sedition and Rebellion by the County Courts not laying a Levy for paying their Burgesses, for it is certain the generality of the People will never be dissatisfied for saving them So great an Expence as the annual Charge of their Burgesses amounts to, and if any one inclines to pay his Share of that Charge no Restraint is laid upon him, and he may give his Tobacco to his Representative without having an order of Court to oblige him, and tho' some Benches of Justices have Scrupled to Act in a Case where the Law had given no directions, yet every Inhabitant has it still in his Choice to satisfye the Burgesses by a voluntary Contribution, and where People are left to their Liberty to act in a Case as they think fit, it is not to be supposed they will be stirred up to Sedition and Rebellion merely because that Liberty of Choice is not taken from 'em, And the Querist has done the People of Virginia very great Injustice in suggesting that they are of such a turbulent disposition as to fall into a Rebellion on so unreasonable an Occasion.

8th Query :

Whether the Governor commanding the Attorney Gen'll to prosecute a Woman, contrary to Law, for the Death of her slave under a very Moderate Correction, and cleared, both by the Jury's Inquest and County Court, and at the same time knowingly to suffer a favorite of his to kill, destroy and Maim as many Slaves of their own and other people's as they please, without taking Notice thereof, is not guilty of partiality and Injustice and destroy the end of Government ?

Answer to the 8th Query :

I readily acknowledge that I countenanced the Prosecution of a Woman for the Whipping her Slave to death, and tho' the

Querist can, with a barbarous unconcern, call it a very moderate Correction under which an hail Negro gave up the Ghost, Yet when a Coroner's Jury has gone and taken up a Body that has been suddenly and secretly Buried, and returned upon their Inquisition a Verdict of Murder, I think it indispensably my Duty to take care that such Proceedings be not stifled, but that a legal Tryal do ensue thereupon, for how unpopular soever the Doctrine may be in this Country, Yet untill your Lord'ps condemn it, I will dare stand to my Charge given to a Grand Jury here, vizt : that in this Dominion no Master has such a Sovereign Power over his Slave as not be liable to be called to an Account whenever he kills him ; that at the same time, the Slave is the Master's Property, he is likewise the King's Subject, and that the King may lawfully bring to Tryal all Persons here, without exception, who shall be suspected to have destroyed the Life of his Subject. Your Lord'ps may be sensible that by the 116th Article of my Instructions, His Majesty commands me to endeavour to get a Law passed whereby the willfull Killing of Indians and Negroes may be punish'd with Death, Yet here the Querist charges it upon me as a Crime, my offering but to question a Person in a Legal manner for committing such an horrid Fact.

Narrative of this Case, (No. C.,) and shall only add upon this head that I make no such Distinction among my Friends in this Governm't as to treat any one in particular as a Favourite, y't it is so far from my nature to caress those who delight in inhumane Severitys, and especially any Person whom I know to have committed Murder, y't I am ready to maintain these Assertions of mine with very remarkable instances, that the Querist Names no Person whom I have sheltered from Justice, and, lastly, that I challenge him and all his Associates to make appear I have, in favour of any particular Offender, stopt the common course of ye Law.

9th Query :

Whether the Governor, undertaking and agreeing with the Assembly, in 1713, to guard the Frontiers for three years, ending in Dec., 1716, for £750 money and 243,220 lbs. of Tob'o, and then call another Assembly in August, 1715, and demand of — to guard those Frontiers when ye Expence, as he had re-

duced the Number of Men from 11 Troops of Rangers to 24 Men, 12 of which was in the Fort Christanna to Guard the Indian Company's Effects and Trade, and whose pay for the 3 Years, as they were reduced, did not amount to so much as was given the Gov'r for that purpose, by 50,000 lbs. of Tobacco and £750 in money—The Tob'o, at this time is worth £600 Sterl.—is not a plain design to burthen the People with Taxes for his private Interest and is not Guilty of a high Crime and breach of Trust and a dishonor to his Majesty whom he Represents?

Answer to the 9th Query:

Here in this Article is such an Heap of mistakes as might make the Querist pass for a person of the Lowest class of mankind, who could not have excess to the Burgesses' Journals or Conversation with those who knew ye Transactions in their House, for thereby it will appear that I made none of the Agreem't here mentioned with the Assembly in 1713; that in the year 1714, it was first concluded in Assembly to Reduce the Rangers to four Troops; that they were then made to consist of Twenty-eight men, and that they were to be paid by me for no longer than from the 10th of Novem'r, 1714, to the first of Decem'r, 1716; the publick Accompts, also, of the Assembly's Treasurer, will show that no more than £580, in Money, remain'd upon the Carolina Fund to be given; and so far from the 243,220 lbs. of Tob'o being a Fund more than Sufficient to pay the Rangers, their attested Accompts, (No. D.,) will evidence that I have already paid them 245,279½ lbs., and that every pound thereof was due to them for their constant Ranging service, and not for keeping Guard in Christianna.

But to set forth in a true light what the Querist here, with his usual Spleen and ignorance, has only touch'd upon, I acknowledge that in the year 1714 I laid before the House of Burgesses a Scheme for lessening the Charge of the Ranging Service, whereby I proposed that four Partys of Rangers, consisting each of six men and an Officer, besides the Guard at the Fort at Christanna, consisting of twelve men and an Officer, should be the usual Establishment for guarding the Frontiers, instead of 121 Men and Eleven Officers, that had been kept in pay for the two preceding years; And I then laid before them, likewise, an Estimate of the Charge of the said four partys of Rangers,

amounting to 243,220 lbs. Tobacco for the two Ensuing years ending in Decem'r, 1716, and proposed also that the Officer and twelve Men at Christanna should be paid out of part of the Money raised for the Service of North Carolina, then unapplied, and that the Remainder of that Money should be applied towards the finishing the Fortifications at that place and several other Services; to which Scheme the Generall Assembly consented, as by my Message to the House of Burgesses, and their Proceedings thereupon, (to which I refer,) will more fully appear. Accordingly, that Assembly passed an Act for raising the said 243,220 lbs. Tobacco in two years, and appointed it to be paid to the Rangers according to my Proposall, when the services for which it was given were performed. But two of the Troops hap'ning by a Mistake to be paid off no farther than to the 22d of October, instead of their being all clear'd off by ye Assembly to the 10th of November following, as I had proposed, the s'd Sum, therefore, of 243,220 lbs., fell short to discharge the services, and I have allowed those 19 Days' pay of the two Troops out of the Money Fund, which I needed not to have done had the Querist's overplus of Fifty thousand pounds of Tobacco been to be found. As to ye £750 said to be given me, I own the Assembly entrusted me with the Remainder of the Carolina Fund, w'ch proved to be no more than £580, out of which £362, 10. 00. was appropriated for the pay of the Garrison at Christianna for 25 Months, and the Remainder has been expended in the Building ye Fortifications of that place and ye other services for which it was given by the Assembly. And I am so far from having any private advantage therein y't I can make it plainly appear by my Accompts that not only every penny thereof has been duly applied for the Service of the Country, But that I have also expended of my own Money, for forwarding those Works, without receiving or expecting any gratification for the same.

But the force of the Querist's Charge seems to be in this: that after I had agreed to guard ye Frontiers for the Money and Tobacco mentioned in this Article, I called another Assembly in August, 1715, and demanded of them another Guard, which the Querist would have to be a plain design to burden the People with Taxes for my own private Interest, and y't I am thereby guilty of an high Crime and breach of Trust, and a Dishonour to his Majesty. To this heavy Charge I answer: that the War

between ye Indians and ye English of South Carolina breaking out that Summer, I thought it became me to give the Country an opportunity both of shewing their Benevolence to their fellow subjects of Carolina, then in distress, and to provide for the better Security of themselves in Case the flame of that War should spread itself hither, as there was too much reason then to believe by all the Advices from Charles Town and other Places. To this end I did, with the Advice of the Council, call an Assembly to meet in August, 1715, (as the Querist observes,) and recommended those several matters to their consideration, And in so doing I believe that I am not Guilty of any Crime or breach of Trust, seeing that no man of common sence will conclude that a slender Guard, design'd only to observe straggling Indians in time of Peace, could be sufficient to oppose an inundation of many United Nations of Indians which we had then reason to expect, and that for small Patroulling Partys of seven Men each could in time of War defend an Open Frontier 200 miles extent, nor could any one imagine that it was in my power to assist his Ma'ty's Subjects of South Carolina out of any part of that Fund, or with any of those Men which the former Assembly had appointed for the Guard of their own Frontiers.

Thus I leave it to your Lord'ps to judge whether my endeavours for relieving of South Carolina and putting this Country in a better posture of defence in a time of such apparent danger, can be interpreted a Breach of Trust, and whether my applying the Money and Tobacco to the very uses for which the Assembly had given the Same, and my acting pursuant to the Trust they reposed in me be Dishonourable to his Majesty, for as to converting any part thereof to my own private Use, I am so confident of my own innocence therein that I shall readily submit to the strictest enquiry that can be made, and am content to forfeit all pretensions to his Majesty's Favours, if the least shadow of corruption in this particular can be made appear against me. But, before I leave this Article, I beg leave to answer an Invidious Insinuation of the Querist's that half the Rangers establish'd by the Assembly were put into the Fort at Christanna, to guard the Indian Company's Effects and Trade. I have already observ'd that the Affidavits to the Rangers' Accompts, (No. D.,) prove that none of the 28 Rangers were ever employed to keep Guard in Christanna, as the Querist would

have it believed, and if he did not know better, he is to be marked for one of the most ignorant men in the Government, and assumed an improper Office when he undertook to represent the State of the Country under my Administration. But, as to their being placed to Guard the Indian Company's Effects, it is apparent that this Guard was established before the Indian Company had a being, or y't it was known whether ever there would be such a Society. The Fort was built and the Guard established for the general Security of all his Majesty's Subjects on that part of the Frontiers, and if the Indian Company afterwards took the benefit of that Safeguard, and the Assembly agreed to appoint that to be their Place of Trade, it must be allowed they have an equal Right to the protection of that Fort with the rest of the King's Subjects, especially since the Assembly have thought fit, so long as they exercise that Trade, to throw upon them the Charge of keeping up that Fort and maintaining the Garrison.

10th Query:

Whether ye Govern'r, demanding of the Assembly to raise a Strong Guard of Men to go with him to treat with the Indian Chiefs that are at War with South Carolina for a Peace for that Colony, that being the pretence, but the principal design was for a Trade for the Indian Company, of which himself is not only the head but the greatest Stock, in the Name of Cath. Russell, and at the same time had given passes for those Indians to come to Williamsburgh to treat with him, and thither they did come, had not a design, and did not end save further to burthen the people with a Poll Tax, or get from them £2,000 in money, to the enriching himself and dishonour of his Majesty, is not Guilty of a high crime and breach of Trust?

Answer to the 10th Query:

The Experience I had in the Tuscaruro War, how much the Indians may be overaw'd by the very show of a considerable Body of Forces, gave me all imaginable reason to hope that my appearing on the Frontiers at the head of a Body of armed Men, would have the like effect on the Minds of those Indians then in War with South Carolina, and who had intimated to me their desire of Re-establishing a Peace, And therefore as I commu-

nicated to the Assembly the overtures w^{ch} those Indians had made, so I let them understand that if they inclined to relieve their Neighbours of South Carolina, the best way to bring those Pagans to our Terms was to let 'em see our Demands back'd with a Force, and thereupon I signified to them my Intentions were to meet the Chiefs of those Nations at the head of a good Body of Men on the Frontiers. But that any certain Sum of Money was ever asked by me for the defraying of that Expence I positively deny. My Speech, at the opening of that Assembly, will show that I only laid before them the State of the Country and the apprehensions of its danger from the combination of so many Nations of Indians as were then in open hostility against his Majesty's Subjects of South Carolina, leaving to the Representatives of the People the ways and means of relieving their Neighbours, and making such Provision as they thought necessary for their own Security, And I never heard that the Assembly was so far prevail'd upon by my Speech as but once to enter upon the consideration of providing the Guard I spoke of, So that what now induces the querist to talk of a Poll Tax, and to mention the exact Sum of Two Thousand Pounds in Money, is a Mistery to me. However, I am still of opinion that had the Assembly yielded to my Measures, the Peace between the Indians and North Carolina had been sooner concluded, and the Colony of Virginia might, with a far less Expence than £2,000, have acquired so great a reputation among the Savages as would have secured its frontiers for many years against their Incur-sions. But the querist in this Article, believing that his charging me with basely demanding of the Assembly a Guard of Men to go with me to treat with the Indian Chiefs then at War with South Carolina would not be judg'd Criminal, has, with his usual Candour, taken upon him to determine what were the Secrets of my Heart, and thereupon confidently to assert that my Principal design was for a Trade for the Indian Company. It is certain that the most commendable Action may be blemished if such a Liberty be allowed of loading it with bad Intentions, but in this Case the querist ought to have considered that there are certain Circumstances in this Affair, which, with unprejudiced Judges, will weigh more than his base Affirmation. For, first, it is plain by the Journals of Council, (of the 18th of July, 1715,) that the first advances towards a Peace were made by the Indians

themselves, and that the Council did unanimously advise the encouraging them to come in in order to a Treaty, as the best means of restoring Peace to his Majesty's Subjects of So. Carolina. In the next place, it is apparent from my Speech to the Assembly, that I did not conceal from them the offers which had been made on the part of the Indians; And, lastly, the admitting the Agents of South Carolina to be present at the conference with those Indians, which was held in a very full Council the 18th of October, the same year, does not shew as if there was any other Design that what I openly avoided, to-witt, the obtaining a Peace for his Ma'ty's Subjects of Carolina. And I'm confident there is not a member of the Council who was present at any of the Negotiations w'th those Indians, but will justify that this was my principall Aim. It will also appear from the Journalls of Council that the Liberty of Trade was constantly denied to those Indians, till such time as a Peace should be concluded, and to this firmness may be chiefly attributed that the Province of Carolina has obtain'd a Peace upon such easy Terms, seeing the Indians would never have apply'd to that Government, if they might have been allowed the liberty of trading with this. As to my being the Head, and having Stock in the Indian Company, I own that Society made me the Compliment of choosing me their Govern'r, and I, in return, ventured One Hundred pounds in their Stock; And this, I presume, could be no Crime, since I Coppyed after so great a Pattern as his Royal Highness, who, (if our publick Prints be true,) acted the same with the South Sea Company; But as to my having the greatest Stock in the name of Katharine Russell, I deny the assertion to be true.

11th Query :

Whether ye Scheme ye Gov'r projected for a Standing Militia to consist of 3,000 foot and 1,500 horse and an Adjutant in every neck to huff and bully ye people was not raising a standing Army at the yearly Charge of more than 600,000 lbs. of Tobacco, to the Entire ruin of the Country, and a means for him to govern Arbitrarily and by Martial Law, is not Guilty of high Crimes, Misdemeanors and breach of Trust for Endeavouring not only to Burthen, but destroy the most peaceable and profitable Governm't under the Crown of Great Britain ?

Answer to the 11th Query :

What my Designs were, by the Scheme I laid before the Assembly regulating their Militia, will best appear from the Project it self, which, because it is not inserted in the Journals of the Assembly, I have hereunto annexed, (No. E.,) and tho' I think it becomes me to employ my Thoughts in search of what may better conduce to the Welfare of the People committed to my charge, and do apprehend that I have the same Liberty of Recommending my notions to the Assembly, to be brought, (if they consent,) into a Bill, as they have of Proposing Their's to me to be pass'd, (if I assent,) into a Law; yet I offer'd no Scheme upon this Head 'till after the House of Burgesses had Addressed, (Burgesses' Journal, Aug't ye 9th, 1715,) expressing their Inclinations to have the Militia of this Colony under a better Regulation, and, at the same time, desiring me to propose a Method by which it might be rendered more usefull; And having thus at ye Request of the Burgesses only given them my thoughts towards framing a new Law, I may, with great Assurance, Plead not Guilty to the Querist's Charge of high Crimes and Misdemeanours, presuming that even tho' your Lordships might condemn the Measures I proposed, yet that you would no sooner Sentence them than former mistakes in Judgment. But since my Project for the better Regulation of the Militia was no more than what is agreeable to the Constitution of Great Britain, I hope your Lordships will rather approve the same, and not judge that I have endeavoured to destroy a profitable People by desiring them to imitate the Justice and Policy of their Mother Country, where no such unequal Burthen is laid upon the Poor as that of defending the Estates of the Rich, while those contribute nothing themselves; For, according to the present constitution of the Militia here, no Man of an Estate is under any Obligation to Muster, and even ye Servants or Overseers of the Rich are likewise exempted; the whole Burthen lyes upon the poorest sort of people, who are to subsist by their Labour; these are Finable if they don't provide themselves with Arms, Ammunition and Accoutrements, and appear at Muster five times in a Year; but an officer may appear without Arms, who may absent himself from Duty as often as he pleases without being liable to any Fine at all; nay, and if it be his interest to ingratiate himself

with the Men, he will not command them out, and then the Soldier, not being summoned to march, is not liable to be fined any more than the Officer. Besides, when the Poorer Inhabitants are diverted from their Labour to attend at Muster, it is to no manner of purpose, their being not one Officer in the Militia of this Government that has served in any Station in the Army, nor knows how to exercise his Men when he calls them together. This is the State of the Militia under the present Law, and therefore I could not imagine that my endeavouring a Reformation thereof would be imputed to me as a Crime; That 3,000 Foot and 1,500 Horse should be more a Standing Army or a greater means for me to govern Arbitrarily than 11,000 Foot and 4,000 Horse, of w^{ch} the Militia now consists, is surprizing to every Body's understanding but the Querist's own. That these 15,000 men, mustering each five times in a year, should be less burthensome than 4,500 Men, mustering ten times in a year, is no less strange, unless the Querist has found out a new kind of Arithmetick, or that he looks upon the Labour of those People who are now obliged to Muster to be of no value. On the contrary, it is demonstrable by my Scheme that above two-thirds of the Inhabitants now listed in the Militia would have been eased from the trouble of Mustering, and consequently that the Man which stayed at home would not be charged with so much as half the pay of him that attended in the Field, which Exemption, costing less than Seven pounds of Tobacco p Muster, there is scarce one man serving in the Militia now who would not be content to pay more than Thrice as much for being to follow his own business instead of travelling 20 or 30 Miles to a Muster. And if, by one Man thus paying his poorer Neighbour for four or five days' Service in a Year, above 600,000 pounds of Tobacco, (as the Querist computes,) should be spent throughout the whole Colony; yet, far from granting that such a Charge must be to the entire Ruin of the Country, I apprehend y^t it must be rather a benefit to the Publick by the Circulation of Money and Credit that would be increased thereby, and this circulation would be more just and beneficial, seeing ye Payments would generally happen to be made by the Richer to the Poorer sort. It is true, that by my Scheme Persons of Estates would not come off so easily as they do now. They must have contributed to the Arming as well as

Paying the Men who were to be train'd up for the defence of their Estates; And I cannot but pitty the simplicity of the Vulgar here, who, at every offer of a Governor to make their Militia usefull, (tho' the Regulation be never so much in their favour,) are set on to cry out against him as if he was to introduce a Standing Army, Arbitrary Power, burthensome Taxes, &c. And as for their Abettors, who chose rather to risk their whole Country than to be brought to Club for its defence, I wish they or their Posterity may not have cause to Repent of their present Folly When an Enemy shall happen to be at their Doors. For, tho' I will allow the Virginians to be capable of being made as good a Militia as any in the World, Yet I do take them to be at this time the worst in the King's Dominions, and I do think it's not in the power of a Governor to make them Serviceable under the present constitution of the Law. It is, indeed, a Strange Inference, the Querist, upon the Proposal of Adjutants, that they were to huff and Bully the People. This, I am sure, was never intended as any part of their Office in my Scheme, nor am I apt to believe the House of Burgesses, to whom it was referred, would readily have given 'em such an authority.

These Adjutants were proposed to be of the Inhabitants of the Country who were first to be exercised and instructed by me in Military Discipline, and afterwards to go into their respective Countys to teach the Officers and Soldiers. However, if, in the above mentioned Scheme there appeared any thing disagreeable to the Inclinations or Interest of the People, I was far from pressing them to it, Seeing it is evident from my Message to the House of Burgesses that I left it to them to adapt it to the Circumstances of the Country.

12th Query:

Whether ye Gov'r, turning men out of the Civil and Military Offices, for acting in the House of Burgesses according to their Oaths and dictates of an Impartiall and just confidence, and advancing others in their places, who had as much as lay in them trampled down the rights, Liberties and Privileges of the People, is not Guilty of partiality and Injustice?

Answer to the 12th Query:

Had the Querist been so fair as to name ye Person he means,

(if he has any other meaning than barely to asperse,) who have been turned out of those Offices, and who those ill men are that I have advanced in their Rooms, I should have been able to have given a particular Answer to the Charge in this Article; Whereas, I can only now in general affirm that no officer within this Government has, during my Administration, lost his place upon Account of his Voting in Assembly, and I dare maintain y't for Seven Years past ye displacing of Officers has, in no Government of his Majesty's Dominions, been less practiced than in this. I don't pretend to say there has been none turned out in all that time, for such a forbearance would have proceeded from the Remissness of the Administration rather than from the universal Virtue of the Persons in employ, But I do declare that no Justice of the Peace has been removed, but in Council and w'th the entire concurrence of that Board. And as to Military Officers, I don't remember that I ever granted a Comission to supersede Another but upon Death or Resignation, Except one in Coll. Byrd's Lieutenancy, who, writing me word that the old Militia Officers under his command desired their Quietus, sent me a List of New ones, and I, being then a Stranger to the Principles of that Gentleman, trusted to his Information, and accordingly Signed Commissions, which, I confessed, caused great Dissatisfaction in that part of the Country untill I repair'd thither in person and pacified ye Gentlemen there by producing their Colonel's Letter, and showing them thereby how it happened y't I had been deceived and they Misrepresented.

13th Query :

Whether the Gov'r, turning Justices of the Peace out of Commission for giving their Judgm'ts in a case depending before them, according to Law and the known constant practice ever since Virg'a had Assemblies and Courts of Judicature, is not Guilty of high Crimes and Misdemeanors, and endeavouring to prevent the Law and ye comon Rule of Justice, to the disquietude of all his Majesty's Subjects?

Answer to the 13th Query :

I also deny that any Justice of the Peace has been removed for giving his Judgement in any Cause depending before him

according to Law, But I do acknowledge y't one Justice was turned out of Commission for acting contrary to Law and to his Oath, by being of Councill in Causes wherein he set as a Judge. And if this has been the constant practice ever since Virginia had Courts and Assemblys, and if it be the Common Rule of Justice for one Man to be both Judge and Councill in the same Cause, I must own myself in error, tho' I cannot admitt that I have perverted the Law or given disquiet to any of his Majesty's Subjects, except to them that expected more from such a Person's Favour than his Justice.

14th Query :

Whether ye Govern'r, projecting a passing and forming a Law to be made, and denying to repeal the same, when it appeared to be the generall Grievance of the whole Country, and was so represented to the Assembly by the whole Country in a legall manner, and is a very great loss, both to his Majesty's Revenue in Great Britain and Virginia, and destructive to Trade, is not Arbitrary and Guilty of a high breach of trust?

Answer to the 14th Query :

By the Law mentioned, I suppose ye Querist means ye Act for preventing Frauds in Tobacco Payments. I own it to be true that I formed the Plan of that part of that Act. and it is with much satisfaction that I have found it has succeeded, according to my intentions, in advancing the price of Tob'o, raising the Value of the Quit Rents and all Publick Payments, and establishing such a Standard of Justice that no man has yet had the face to condemn any part of it which I projected. But it is true that some other Clauses were added to it by those who now Clamour most ag't the whole, and it is also true that several Grievances were drawn up against that Law, but it must be observed that extraordinary pains were taken to produce those Grievances, and, even after all, not ten men of any figure in the Country would join with 'em. What all considering men desired, was not the Repeal but the Amendment of the Law, and this, I was so far from opposing, that I assisted the Council in framing a Bill wherein all the hardships w'ch has been complained of, either by the Merchants in England or the Planters here, were removed, but the House of Burgesses threw it upon the first

Reading, which shows that there was not so much ground for the great Clamour made ag't that Law, Since the Representatives of the People did not think fit to amend any part of it when they had it in their power. Besides, the Querist has stretch'd his veracity too far, when he says I refus'd to Repeal that Law, for no Bill was ever yet presented to me for that purpose, and, therefore, I cannot be said to be Guilty of Arbitrary doings or breach of Trust, for not taking upon me to repeal a Law, of my own authority, without a Bill passed in the usual Form by the Councill and Burgesses. And I deny that the said Law is a Loss to his Majesty's Revenue in general, for it restrains the Exportation of no other Tobacco than what would in all likelihood be Burnt at the Custom House, and tho' the Revenue might loose the Two Shillings p hhd. by the Trash being kept in the Country, yet, if it went home, the King's other Revenue there would be charged four or five pounds p Hhd. for destroying that Trash.

15th Query :

Whether the Gov'r, denying to let his Majesty's Subjects take up land, and at the same time give leave or order to another person to take up 12,000 acres, to be Patented in the Name of William Robertson, to his own private use, and leasing the same to ye Germans, (not permitting them to take ye same up to their own use,) at such Rents as shall be agreed on between the s'd Governour and ye Germans, is not Arbitrary, Illegal, and oppressing his Majesty's Subjects, and a breach of his Ma'ty's royal Instructions?

R. C.

Answer to the 15th and last Query :

Tho' the Querist is not very fortunate in expressing his meaning, yet I take this Article of his Charge to consist of Three parts—vizt. : A denying his Ma'ty's Subjects ye Liberty of taking up land; The taking up 12,000 Acres to my own use in a borrowed Name, and the Leasing the Lands taken up to ye Germans, instead of giving them the Property thereof to themselves. To the 1st of these I answer, y't except the Lands in between this Government and North Carolina, (on which no person is allowed Seat untill the determination of that Controversy.) I know of no

restraint on any of his Majesty's Subjects from taking up Land in any part of the Governm't. But it is true that sometime after my arrival here, observing many undue practices in relation to the unpatented Lands, (among which was one great abuse of some persons Entering for vast Tracts containing much more Land than they would be able to Cultivate,) according to the Royall Instructions, and holding them by the connivance or Confederacy of the Surveyors for many years, without offering either to sue out Patents, or sometimes even to so much as to Survey the same, so that for want of Patents I found the Crown must loose its Quit Rents, and for want of Bounds the People must a long time be debarred from the adjacent Lands, I therefore judged it best, and had the Councill's concurrence that the Surveyors should no longer have Liberty to admit solely of themselves these excessive large Entrys, but that for all Tracts exceeding four hundred Acres, leave should be first obtained from ye Govern'r in Council to Enter for the same, by which means ye Government might take care that no considerable Tracts were set apart for the use of persons who were not of ability to comply with the Crown's Conditions, and might also prevent the keeping possession of them for any long time by virtue only of bare Entrys. This, I confess, is a restraint on the ancient Liberty which some people here made use of, and this it is of which the querist complains, for he certainly knows that no man has been denied the Liberty of taking up as much Land as he could reasonably be supposed of ability to cultivate. But if, according to the Querist's Opinion, every one of his Majesty's Subjects ought to be at Liberty to Claim as much Land as he pleases; to keep possession of it for many years without a Patent or paying any Quit Rents, and to debarr all those from sharing with him in the part of that Tract which he has so possessed himself of, tho' I humbly conceive that such a Liberty would be fully as injurious to the Subject as it is unjust to the Crown, I must own I have been in an Error in restraining that Liberty; but yet, I must say, I have herein acted agreeably to his Majesty's Instructions and the opinion of your Lord'ps' Board, and Hope it will not be judged an high Crime not to allow some people all the unjust Libertys they would pretend to, whatever be pleaded in their favour from the practice of former times. To the 2d: After the Querist has made so large use of his Invention in most of the

foregoing Articles, he may more easily be excused in adding only one Cypher to increase the weight of this. Instead of 12,000 Acres, w^{ch} the Querist here says were taken up in the name of Wm. Robertson,⁸⁸ ye whole quantity Surveyed at the time of composing his queries amounted to no more than 1,287, and tho' since, by the Patent for that Tract whereon the Germans are seated, it will appear to contain 3,429 acres, yet what is added to the first survey is part of a tract taken up by one Mr. Beverley and voluntarily yielded by him for the conveniency of that Settlement. And as I don't know that his Majesty has in any of his Instructions restrained a Governour from taking up Land to his own use, as well as any other of his Subjects, So I hope it will not be accounted any breach of my Duty, if, for the Security of that part of the Frontiers of the Government and for the Settlement of a number of indigent people, I have been at the expence of Surveying and purchasing Rights and Patenting a tract of land to which no other person had any pretensions. But because the entering for this 1,287 Acres in a borrowed Name may carry with it some colour of Fraud, I beg leave to inform your Lord'ps that all Patents for Land being signed by the Governor, it would be improper for him to grant a Patent to himself, and, therefore, it is necessary to make use of another Person's Name in the Original Grant, and such has been the constant practice of former Governors whenever they had a mind to take up Land for themselves.

To the 3d, I have frequently mentioned how the Germans came to be settled on this Land, and 'tis well known y^t when they arrived in this Country they were so far from being able to undergo the charge of taking up Land for themselves, that they had not wherewithal to subsist. So that, besides the expence of one hundred and fifty younds for their Transportation, they are still indebted for near two years' Charge of subsisting them. I cannot, therefore, imagine myself guilty of any oppression by placing them as Tenants upon my own Land, when I had pursued the common methods of the Country and taken the advantage of the Law here—instead of being Tenants, they might have been

⁸⁸ William Robertson, Clerk of the Council, and Receiver for York river.

my Servants for five years. Nor are the Germans insensible of the favour I have done them, However this unknown Querist, who takes upon him the part of an Agent for the Assembly, ye Germans and the Indians, has thought fit to give it another Turn. The terms upon which the Germans are settled will not appear very like oppression, seeing they have lived for two years upon this Land without paying any Rent at all, and that all which is demanded of them for the future is no more than twelve days' work a year for each Household, which is not so much as the Rent of their Houses without any Land would have cost in any other part of the Country. But here I must acknowledge myself indebted to the Querist's Modesty in that he has taxed me with oppression in not giving up the property of my Land to the Germans, yet he has not taken upon him to charge me directly with exacting an exorbitant Rent, for he might have ascertained that at some extravagant Rate, with the same truth as he has increased twelve hundred acres to Twelve Thousand. And since, in this point, he is forced to be silent in the only thing which could give ground for his charge of oppressing those People, I hope your Lordships will be of Opinion that my taking up Land and building houses for people who were not able to take it up or build for themselves; my advancing Money for their Transportation and subsistence, when they must have been sold, (according to the Custom of this Country,) into servitude or have famished, and at last my allowing them to Live at such easy Rents, is far from what the Querist would here charge me with. If he has a mind to extend his Charity to those poor Strangers beyond what I have done, or believes I reap any great advantage by this tract of Land, I shall very readily yield him up the Property thereof, together with all the profits I have made by those People; provided, he barely reimburse what I can fairly make appear to have been expended on that Account.

A PAPER CONTAINING THE RESOLVES OF YE ASSEMBLY OF VIRG'A, SEPT'R YE 2D, 1715, AFTER W'CH WAS THE FOLLOWING LETTER DIRECTED TO :—

To the Lords Com'rs of Trade and Plantacons :

R'T HON'BLE :

The above are the Resolves made by the House of Burgesses on your Perusal of the Journal of that House. You'll find the Reasons the House had to make these Resolves from the several Speeches and Messages sent them by the Gov'r. Certainly the People, whose Interest and all they have, their Wives and Children, has the Safety and Dignity of this Colony more at heart than the Governor, whose sole design and Study is only to enrich himself at the Public Charge of the Country. His Arbitrary, partial and Unjust proceedings We humbly beg we may be releas'd from, in doing which his Maj't's Interest will be protected; the Honour and Dignity of this Governm't supported; their estates secured, and his Majesty's Revenue encreased, which, at this time, is sunk so low as not able to pay the Governor's Salary.

Yours,

W. R.

Having now made my Observations upon the Letter signed A. N. and the Queryes R. C., I am now come to make some Answer to the Paper of Resolves and the Letter subscribed W. R., but seeing I may already have tired your Lord'ps, notwithstanding I have aimed to clear up ye truth of matters with all the brevity I could, I shall, therefore, wholly referr my self to the Council's Message to the Burgesses on the last day of their Session, 1715, to display the rashness and unreasonableness of those Resolves. And tho' I could add a great deal to confute those proceedings, Yet I shall venture to stand in your Lo'ps' Judgement with no more than the Council's Answer to them, And as to the Letter, wherein the Author lays it down for a certainty that ye People have more at heart than I the safety and Dignity of this Colony, I must tell him that experience contradicts his Assertions, for 'tis very notorious to all that have been witness to my Actions, y't I have voluntarily gone through

more Labours and Hazards for the publick than any Man in the Government, and, particularly, that once, when the Frontiers were most infested by the Indians, I went into several Countys, drew out the Militia and offered to march out myself at the head of But two hundred men, yet could not engage such a small number of Voluntiers, even upon great pay, to follow me, notwithstanding their Wives, their Children, and all they had, lay then at Stake, even tho' I called to some whose Father's Blood had been newly spilt by those Savages.

As to the Crimes which the Author here, in General Terms, asperses me with in his Letter, they are the same which the Anonymous Querist has, w'th more particular inventions, charged me with, and, therefore, I take them to be already Answered, Only I shall beg leave to add something with respect to one heavy charge and unjust calumny, vizt: That my sole design and study is to enrich myself at the publick Charge of the Country. To this I answer y't I bid defiance to all mankind to produce a single instance of my accepting, directly or indirectly, any sort of gratification for any Place or Office whatever that has been at my disposal, notwithstanding I could name Persons in this Colony who have privately pressed me with considerable offers upon such an Account. That I challenge the whole Country to particularize one Fee that I have taken, but what has been look'd upon as the undoubted Right of my Predecessors. That I appeal to all the Gentlemen of these parts, and Strangers resorting hither, whether ever they knew any Gov'r of Virginia keep up, by his constant way of Living, the Honour and Dignity of his Majesty's Government so greatly as I have done, and whetlier ever they saw before in this Colony their Sovereign's Birth day celebrated with so much magnificence as in my time and at my Expence, And lastly, not to touch upon everything that might serve to confute my accusers, that Assembly had never committed, so often as they have done the publick Moneys to my Management, and solemnly Declared, (Burgesses' Journal, Dec. 16, 1714.) that they thought the Treasure of this Colony could not be more safely entrusted or better laid out than under the direction of a Governor whose Interest is united with that of the Publick—I say they would have declined doing or declaring thus much, had they judged me to be a Man seeking after nothing But wealth. Upon the whole I cannot but

complain of this barbarous manner of assaulting me, and if those unfair and treacherous methods be countenanced or allowed of, no Governor can be safe in his Reputation, (which is the dearest Jewell to a man of Honour,) as well as your Lordships' Board must continually be pestered with these vexatious Informations, so long as there is in a Government an unreasonable Malecontent. But since the heaps of Falsities and Malice couched in these Anonymous Papers cannot now pass your Lordships' Observation, I hope henceforward you will at first sight reject all such foul attempts, and Protect from the like secret Stabs Him who is with all Respect and Duty,

My Lord, &c.

*The Council's Representation to the Gov'r touching Commissions of Oyer and Terminer, treated of in ye following Letter to ye Lords for Trade, &c.—[Rec'd May ye 1st, 1713.]*⁸⁰

MAY IT PLEASE YOUR HON'R :

As the constant civilitys yo'r Hon'r has on all occasions exprest to the Council raised in us a suitable degree of gratitude, so the Experience we have of your Justice and Moderation makes us hope you will not be displeased with this, our Just and necessary Representation. It was not without some uneasiness to us that were present, to find in the Last Commission of Oyer and Terminer some other persons joyn'd with the Council. But in regard no criminal was then to be tryed, and because we were unwilling to show a publique disapprobation of what you had then been pleased to determine, we thought it most respectfull to yo'r Hon'r not to absent ourselves. However, we must Now beg leave in a more decent, and, we hope, in a more agreeable manner, to make our Exceptions to such Commission, and we hope you will not think it altogether without reason. When your hon'r was pleas'd to cause her Maj'tye's Instructions to be read in Council relating to this

⁸⁰ For a remonstrance of Wm. Byrd to the Lords Commissioners of Trade and Plantations regarding this matter, see *Cal. Va. State Papers*, pp. 190-3.

matter, and after some debates had arisen about it, you were pleas'd to declare, (if those that were present remember rightly,) that you had no intention to appoint any other persons But the Council in that Commission; and if it should be otherwise, we beseech your Hon'r to reflect How much the Gen'll Court will be divested of its Jurisdiction, which is not only founded on the late Law, but also upon the constant usage of this Dominion, no instance being upon Record that any other stated Court of Judicature hath had cognizance of Life and member but the Gen'l court only, and, with humble submission, there is great reason it should be so; for it would be hard that men's lives should be try'd by more inferior Judges than their Fortunes, of which the last Resort in this Country is in the Gen'll Court. Tho' we have the most entire confidence in your Hon'r's Justice, and do firmly believe That in all things you will act according to the nicest Rules of Integrity and honor, yet in times to come it may be our misfortune, in your stead, to have a Governor who may make a very dangerous use of this Precedent. In such a Case we submit it to your Hon'r's penetration How much less security men's Lives and Libertys will be under than their Estates Whenever it shall please God, for the punishment of this Country, to put it under the direction of a passionate and resenting Governor. It is possible some may object that in England other Gentlemen are frequently added to the Commissions in Oyer and Terminer in their Circuits Thro' the severall Countys, and also that in this Country some Commissions of this kind have been issued for Tryal of the Pirates and Indians in Extraordinary cases. To both these objections we beg leave to answer as follows:

We own the Judges in England do carry with them in their Circuits Commissions of Oyer and Terminer, wherein some Gentlemen of the respective Countys are named Associates with them. But this is purely for the ease of the Country, That Prisoners may be Tryed without the Trouble of sending them up to the King's Bench. In the Circuits there is but one Judge to sit on the Pleas of the Crown, and therefore it may be thought necessary to Join some other Persons in Commission with him. But there is no Instance of such an addition to the Judges when they set upon Life and Death in the King's Bench.

Those Commissions which have issued in Virg'a were sent

out for the Tryal of very uncommon and enormous Crimes, but we humbly presume that such Extraordinary Courts Can't, with much reason, be compared to a settled Court that hath its constant Returns Twice every year, That holds its Sessions in the Metropolis of the Colony and in the very seat of the Gen'll Court, and hath Cognizance of all breaches of the Peace as well as of Pleas that Concern life and member.

Since it hath been insinuated to your hon'r that the Council, in advising the Continuance of this Court, had too much regard for the allowance for that purpose, We humbly beg leave to repeat the same Explanation of our meaning That some of us made use of at the time it was Debated, to-wit, That if we were obliged to leave our affairs at home and come to attend this Court, we had a fair claime to the Salary, but if your hon'r wou'd please to dispatch a timely notice to us that no Criminals are to be tryed, That then, being put to no trouble, we should not Expect any pay. Upon the whole matter, we entreat your Hon'r to Observe That when we were appointed members of the Council, we found this Jurisdiccon confin'd only to the Judges of the Gen'll Court, and we should be unwilling that our successors should reproach us with having willingly Departed from it; however, we don't presume to Measure the prerogative of the Crown in such matters, but humbly hope That her Maj'ty will be graciously pleased to suffer such affairs to proceed In the usual Method, Except where unusual accidents shall require an Extraordinary Exertion of her Royal power. However, if your hon'r shall see cause to be of a different Opinion, and shall still be pleased in those Courts to joyn other persons with the Council, we humbly beg you will have the goodness to dispence with our attendance on such occasions for the future, and shall think ourselves very unfortunate In haveing Sentiments in this only business opposite to your Hon'r's, being with all the duty and respect in the world,

Yo'r Hon'r's most faithfull and
most humble servants,

JNO. CUSTIS,
JOHN LEWIS,
W. BYRD,

ROBERT CARTER,
PHILL. LUDWELL,
HEN. DUKE,
JOHN SMITH.

April 5th, 1717.

To the Lords Commissioners for Trade and Plantations :

MY LORDS :

I take this opportunity to answer yo'r Lord'ps' Letter of the 1st of June, and therein the first paragraph, which concerns the Courts of Oyer and Terminer, gives me the pleasure of finding my Sentiments approved by yo' Lord'ps both as to the occasion of holding those Courts and the Constitution of the Judges, in both which the Council differ from me, tho' in the former they came afterwards over to my opinion that there was no need of holding such Courts when there are no Criminals to be tryed; but as to the latter, some of that Board being dissatisfied with yo'r Lo'ps' determination, and apprehending that yo'r Lord'ps could not so well judge of the grounds they have to claim the Privilege of being the Sole Judges of that Court by their Representation, as if the whole had been under your view. I am, therefore, obliged to trouble You with a copy thereof, tho' I hope yo'r Lord'ps will not find that I have either miss cited or omitted any materiall reason urged therein, nor do I believe yo'r Lord'ps will find Cause to alter yo'r former opinion upon this Subject. Yo'r Lord'ps are pleased to say I may, by virtue of his Ma'ty's Commission and Instructions, appoint a particular Court of Oyer and Terminer, and constitute the Judges thereof, unless it be otherwise directed by Act of Assembly. 'Tis true that in the Act for establishing the Gen'll Court, passed in the year 1706, that Court and ye County Courts, were the only Courts of Record within this Dominion; but yo'r Lord'ps having found just Exception with that part of the Law, I got an Explanatory Act passed here in the first Assembly held in my time, A'o 1710, whereby the Power of the Crown in establishing other Courts of Record is fully declared, notwithstanding that Clause in the Gen'll Court Law, so that the Council can claim no Right by Law of being Sole Judges of Life and death, except only of such Criminals as are brought immediately before them in the Gen'll Court, where they are the Established Judges, And as to the Right, (w'ch yo'r Lord'ps will observe in their Representation,) they claim from the constant practice of the Government.

That is not true, for there are sundry Instances of other Gentlemen joined with them in Speciall Commissions of Oyer and Terminer. That I may more clearly explain to yo'r Lord'ps what I writt concerning the Council's taking upon them to give different opinions in different Capacitys, I beg leave to assure yo'r Lord'ps that if their giving one opinion in one capacity and another afterwards upon a Reconsideration, either in the same or a different Capacity were the Case, I should be far from blaming them, because the wisest of men are sometimes liable to mistakes, and it is rather commendable to alter one's opinion than to persist in an Error; but what I think very strange is that some of these Gentlemen, for there are others of a different mind, should, upon the debating and passing of laws, declare they then act for the Interest of the Country, and must give their Vote for passing such a Law, because it is beneficial to the people; but in that very same moment acknowledged that if their advice is asked as his Ma'ty's Council, they must then reject what they approve as Members of the Gen'll Assembly. Thus they may look on themselves excusable in concurring with the House of Burgesses in diverse measures prejudicial to his Majesty's Prerogative and Interest when these interfere with the Ease of the people or the libertys which, by a long Custom, without any Lawfull foundation, they have been used to. Now, my Lords, the Sole Right that any one has to vote in the upper house of Assembly being only as he is sworn a Member of his Maj'tie's Councill, it seems incongruous that when the Council act as Members of the General Assembly, they should, in that instant, lay aside the Obligations of those Oaths as Councillers, which alone gives them Title to act there. In the first of these Capacitys they are sworn to be assisting to the Governor, and to defend all Jurisdictions and Authoritys appertaining to his Majesty and annexed to the Crown, but in the other Capacity, (if this new distinction be allow'd,) they are under no Oaths at all, and this I take to be attended with many ill consequences, particularly this one, that in the most essential part of Government, The making of Laws, they may prove rather a Snare than Assistance to the Governour, Especially if he yet a Stranger to the Constitution of the Country, for when he sees his Council, who are sworne to advise him for his Ma'tie's Service, Join in preparing a Law, he may be less cautious in Examining its contents and consequences,

and thereby unwarily give his assent to the enacting severall matters prejudiciall to the Crown and the Interest of Great Britain. But there is a more dangerous distinction invented by some of the same Gentlemen, even at their voting at the Council Board. They insist that they are not to give their Opinion upon the Legality of an Act of Government, Because, as they are Judges of the Gen'l Court, the same, or a Case of a like Nature, may come in Judgm't before them there, and, therefore, they are not to give any previous opinion on such a point of Law. It certainly behooves a Governour to be most careful that in his publick orders and Administration, he don't transgress the Laws of the Country he governs; but if he is to receive no Assistance therein from the Council, I must confess I don't see of what use they are to the Service of the Crown, Since, in the passing of Laws, they are not bound to consider his Ma'ty's Interest nor in the execution of 'em to give their Orders, and that on all Unpopular Occasions, a Gov'r may not expect the Assistance of his Council, but he may assuredly depend on all the blame. I know that the Lord Chief Justices are frequently of his Majestie's Privy Council, but I am not inclinable to believe that from their Character of Judges they claim an Exemption from delivering their opinion as privy Councillors when the legality of any Act of State comes in question. It will, therefore, deserve your Lord'ps' consideration, both to put an end to this distinction and to provide that no person be allowed to vote in the making of Laws without being under some kind of obligation to do his Duty, and seeing the Council do not look upon their Oaths of Council to extend to their acting as members of the Upper House of Assembly, I hope your Lord'ps will judge it convenient that a proper Oath be enjoyned them in that Capacity, as I would not here be understood as if the whole Council were thus distinguishing away their Regard to his Ma'ty's Service. There are diverse Gentlemen of that Board of a contrary Sentiment, but it is hard to guess here, for such kind of Logick may prevail, if not timely determined.

I shall, with pleasure, pursue the Measures I have begun for the education of the Indian Children, since I perceive the Design is so well approved by yo'r Lord'ps, and should be sorry if any part of ye Regulations Established for the better Government of our Tributarys should meritt yo'r Lord'ps' Censure; And, there-

fore, to clear that particular of restraining the Indians coming among the British Settlements, I beg leave to inform yo'r Lord'ps what manner of people they are, with whom our friendly Indians used Chiefly to converse, and what Restraint is now laid on them therein. The Inhabitants of our ffrontiers are composed generally of such as have been transported hither as Servants, and being out of their time, and settle themselves where Land is to be taken up and that will produce the necessarys of Life with little Labour. It is pretty well known what Morals such people bring with them hither, which are not like to be much mended by their Scituation, remote from all places of worship; they are so little concern'd about Religion, that the Children of many of the Inhabitants of those ffrontier Settlements are 20, and some 30 years of age before they are baptized, and some not at all.

Those who are nearest Neighbours to the Indians, by whose principles and practices they are not like to be much improved; but this is not all, for these people, knowing the Indians to be lovers of strong liquors, make no scruple of first making them drunk and then cheating them of their skins, and even of beating them in the bargain; on the other hand, the Indians, being unacquainted with the methods of obtaining reparation by Law, frequently revenged themselves by the murder of the persons who thus treated them, or, (according to their notions of Satisfaction,) of the next Englishman they could most easily cutt off, And it is a very generall observation, both here and the neighbouring Provinces, that no murders or hostilitys have ever been committed by the Indians unless where the English have given the first provocation. Hence your Lord'ps may Judge whether a frequent intercourse and communication between such people and the Indians be like either to reform their Morals or to promote a good understanding with them, And as to beginning a nearer friendship by intermarriage, (as the Custom of the French is,) the inclinations of our people are not the same with those of that Nation, for notwithstanding the long intercourse between ye Inhabitants of this Country and ye Indians, and their living amongst one another for so many Years, I cannot find one Englishman that has an Indian Wife, or an Indian married to a white woman. As to the Restraint on the Indians from resorting to the British Plantations, Your Lord'ps will

further Observe from the Act passed for the better Regulation of the Indian Trade, that they are not entirely prohibited from coming amongst the Inhabitants; they are only enjoyned; then they have occasion to repair to the British Settlements to make known to the persons deputed by the Gov'r to grant Passports, the occasion of their going amongst the Inhabitants, the number they intend to carry in and the time they desire to stay, and accordingly such Passports are granted. By this means, if any disorders should be committed by them amongst the inhabitants, it can be known by what Nation the same were done, and whom to call to account for it, Whereas, heretofore, whatever mischief was Committed among ye People, it was impossible to discover the Authors while all Indians whatsoever had liberty to disperse themselves at pleasure about the Country. Experience has already shewed the benefit of this Regulation, for since it was put in practice, there has not been one murder committed on the Frontiers, and scarce a Complaint of any Injury on either Side. Your Lord'ps' approbacion of my Conduct in assisting the Province of South Carolina is a sufficient encouragement't for me to continue my endeavours for the relief of any other of his Ma'ty's Subjects in distress, but I must say I have mett with very ill Treatment, both from North and South Carolina, for the Service I did them. No promises have been observed on their part, and I am forced to bear the Clamour and Reproach of the men sent from hence for the Relieff of South Carolina for all that ill usage and disappointment they mett with there. But seeing your Lord'ps are pleased to approve of that Service, I hope you will give more attention to the Representation of that affair, which I am now preparing to send by one Mr. Kennedy,⁶⁰ a Gentleman who has been employed in negotiating with the Government of South Carolina for obtaining Justice to the people of this Colony in relation to that assistance. As I shall ever resign my own opinion to be governed by that of your Lord'ps' Board, I readily acquiesce in your sentiments of my speech to the last Ho. of Burgesses, And whenever I have occasion to call another Assembly, (which the Council have now given their opinion not to be immediately necessary,) Your Lord'ps' advice will engage me to treat them with the greater Complements

⁶⁰ Francis Kennedy.

for the sharp expressions used to the other, However, I can assure yo'r Lord'ps nothing in that Speech has had those dangerous Consequences which your Lord'ps seem to apprehend from it. The people of best consideration, who know the Characters and behaviour of the late Burgesses, are far from being displeased with my Treatment of 'em, And I doubt not whenever another assembly is called I shall have interest enough to get good men chosen, and dexterity to manage them for his Ma'ty's Service.

The Proposal I sent your Lord'ps for determining the bounds between Virginia and Carolina was such as, from the Observations and Report of the Commissioners employed for settling that Affair, I conceived very much for his Ma'ty's Interest. I sent your Lord'ps the best Sketch I could obtain of those bounds, and it is impossible, without a very great charge in running the Line, to lay down the exact Limitts to be established according to that Proposal. The Governour of North Carolina tells me he has received the approbation of the Lords Prop'rs therein, And as soon as yo'r Lord'ps shall signify his Ma'ty's pleasure I shall immediately apply myself to putting an end to that affair; for I am of opinion that it were much better for both Governments to lose the Land in controversy than to leave undecided, for as it is impossible to restrain people from seating themselves on that Land, where they live without either Religion or Government, It may be very difficult when their numbers increase to reduce them again to either.

I intended by this Conveyance to have sent your Lord'ps my own and the Council's Remarks on the Merch'ts Peticon and Observations ag't the Act for the better Regulation of the Indian Trade, but the Method the Council took of giving Publick notice to all persons that pleas'd to come in and offer what they had to say ag't that Law, has retarded the finishing these Observations, however, (now that they find no man has any Exceptions to the Act,) they have agreed upon the Gen'll Heads of their Report, which are to be drawn into form ag't their meeting at the next Gen'll Court, which is to be held 10 days hence, So that their Rep't will be ready to be sent by the next Ship; and tho' my Remarks have been ready some time, I thought it best they should accompany those of the Councill, that your Lord'ps may have the whole before you at once. It may not be im-

proper to inform your L'd'ps, (now that you are to have again under consideration the Council's pretensions of being Sole Judges of the Oyer and Terminer Courts,) What influence the present Constitution of that Body have upon the ordinary Course of Justice. The last Gen'll Court, the King's Cause ag't Colo. Ludwell could not be tryed for want of Judges, tho' there were that very day ten on the Bench, but so many of them Mr. Ludwell's Relations that there were not five left to go on with the Tryall, and the same often happens in private Cases where any of that Family are Defend'ts. And, therefore, Yo'r Lord'ps may Judge whether it be fit to lodge still a greater power in the same hands, and to give them the sole Jurisdiction over the Lives, (as they have already over the Estates,) of all Virginians.

April 16th, 1717.

To Mr. Popple:

S'R:

On the 30th of October I rec'd the favour of Yo'r's of the 17th of Aug't, with the Papers enclosed relating to the Act for the better Regulation of the Indian Trade, and acknowledge myself much obliged to the Lords Comm'rs for Trade for giving me an opportunity to answer those Objections which have been made ag't it, and w'ch seem to reflect particularly on my conduct in the passing such a Law. 'Tis necessary in the first place to inform you that the Company formed upon that Law was no Project of mine. It had its rise first in the House of Burgesses, where, after a Bill had been framing upwards of a Week, and that House found themselves under much difficulty to compass the sev'll ends proposed thereby, This Scheme of a Company was put in by some of the Indian Traders, and was so well approved of, both by the Burgesses and the Council, that it passed with more than comon unanimity. When the Bill came to the Council, I was not unmindfull of the 16th of his Majestie's Instructions, but gott a Clause to be inserted whereby the Government of the Indians provided for in that Bill should still subsist, although the Company erected thereby should come to be dissolved, And

this Contitution of a Company being the only thing of an extraordinary nature in that Law, I hope I have taken sufficient care to answer his Maj'tie's Royall Intentions, by leaving it in his Maj'tie's power at any time to disannul that part of the Law without allowing the other part thereof, which are immediately necessary for the Conservation of the Peace and good Government of the Colony. As to the rooth Instruction, their Lord'ps of the Council of Trade may be pleased to consider that the intention of this Law is rather a compliance with that Instruction than any ways contradictory thereto, seeing that at the time of passing thereof the whole Indian Trade was engross'd by the Inhabitants of South Carolina, who, notwithstanding the repeated Orders of her late Majesty, continued still to interrupt all Commerce between this Government and the Western Indians, and by seizing the Effects of the Virginia Traders had rendered that Trade irretrievable by any private Adventurers, so that all thoughts of regaining a Commerce with the forreign Indians had for sev'll years past been quite laid aside. Their Lord'ps will also be pleased to observe that by this Instruction I am commanded to advise with the Councill and Assembly, and to govern myself in such manner with Relation thereto as shall be most suitable to this disposition and Interest of the People, and I hope I have herein strictly observed his Maj'tie's Directions, seeing this Law was originally frained by the Representatives of the People, and that in such a manner as they judged would be most agreeable to the Interests and inclinations of their Constituents; for as on the one hand they judg'd it absolutely necessary to put the Indians and their Commerce under better Regulations than formerly, so on the other they did not pretend to exclude from that Trade any one who before had exercised it, but rather to make it more extensive by allowing any one that pleas'd to adventure his money in that Project, and considering how few have been concern'd therein in former years, they rightly concluded that the ffund to be employed therein would admitt of at least ten times the number, and above twenty times the stock, (if the whole sum were subscribed,) that had been annually adventured in that Trade for sev'll years before Thus it appears plainly that this Law is so far from establishing the engrossing of that Trade, that soon as the present Compa is constituted the number of persons concern'd therein is considerably enlarged, and that

many more might have been admitted, and may still, if they had thought fit to be concerned. Tho' his Majesty, by his 101st Instruction, has thought fitt to allow to all the Inhab'ts of Virginia a free Trade with the Indians, yet his Majesty has nowhere prohibited the Assembly here from regulating that Trade in such manner as may best serve the ends of Government, the safety of the people, and the advancement of his Maj'tie's Service. This Instruction which, (as appears in the Records here,) was first given to the Lord Effingham, seems to have been grounded upon some Representations of the inconveniency of the former practice of Limiting the Indian Trade to such persons as were particularly licensed by the Governours, to the exclusion of all others; but that it has been customary for almost every Governour to limit and prohibit trading with some particular nations of Indians, as the Circumstances of Affairs and the safety of the Country required, even since that Instruction, is manifest from the Council Journals, and that without being faulted for such a proceeding; And if the experience of the former ill management of the Indian Trade, under the general liberty granted by the Crown, has been found inconvenient, 'Tis hoped that the present Regulation, (which is only Temporary, and intended for the recovering of a trade entirely lost to the Country,) especially when established by the consent of the people, will not be look'd upon as more disagreeable to his Maj'tie's Intentions than the like temporary prohibitions and limitations made by the Single Act of the Governour and Council.

It is also observable, in this Instruction, that his Majesty does, in a manner, leave to the Assembly the manner of using that Liberty of Trade w'ch he is graciously pleased to allow, expecting that in return for such a favour they will by some means provide for the better support of the Government. The Assembly who framed this Law have therein taken care to answer his Maj'tie's Expectations, first, by enjoining the Indian Company to contribute to the building a publick Magazine for the preservation of his Majesty's Stores of Warr; secondly, by obliging the same Compa. to change from time to time the powder in the said Magazine, so it may not decay by length of time, (as most of the powder heretofore sent into the Country has done,) and, thirdly, by obliging the Company to keep up the Fort and maintain a constant guard at

Christanna for the Security of a Fronteer that lyes most exposed to the incursions of forreign Indians. All which are Services particularly calculated for the support and defence of the Government, and are the first Steps that have been made by any Assembly, since the freedom of the Indian Trade was permitted, towards answering his Majesty's pleasure signified in that Instruction. And if the Company, who have been at such considerable charge in these measures projected by the Assembly for the safety of the Country, should be dissolved, it seems but reasonable that some other means be found out to reimburse them and to provide for the future support of those works and performance of those Services to the Government, which the Company are now obliged to, and which cannot be more justly imposed than on those who expect a benefit by their dissolution, seeing it is to be expected that a Virg'a Assembly will be prevailed on to be at that charge, after having judged the erecting of this Company the best means to disburden the Country thereof.

I hope, from what I have already said, their Lord'ps of the Council of Trade will be satisfied that in the passing this Law I have not acted contrary to his Majesty's Royal Instructions; That whatever is contained therein of an extraordinary nature may be abrogated by his Majesty at any time without altering those parts which are more immediately for the comon safety and conveniency of the Government; That no forestalling or engrossing is established by this Law, but such as the people have consented to, and that if any inhabitants of Virginia, (to whom his Majesty by his Royal Instruction intended the liberty of the Indian Trade,) is now excluded, it is his own fault; That this Act is worded with all possible respect and deference to his Maj'tie's Prerogative of erecting Corporations, and ought to be looked upon only as a seasonable means for recovering a Trade lost and a necessary Regulation for the safety of the Government; That the Consideration his Majesty expected for the Indulgence of the Indian Trade is now, and never before, answered by his considerable strength and support of the Government provided for in this Law. It remains that I endeavour to justify my Conduct therein from being anyways contradictory to those Clauses of the Act for encouraging the Trade to America, w'ch their Lord'ps have had the goodness to remind me of. As to the first of those Clauses, I conceive the Act of

Assembly here is no ways Repugnant thereto, there being no Charter or grant made to the Indian Company of any branch of Trade mentioned in that Act of Parliament, nor, indeed, of any thing else but what may be made void whenever his Maj'tie shall think fit. As to the second Clause, There is no prohibition of any of his Majestie's Subjects, except the Inhabitants of Virginia, from trading even with the Tributary Indians at the Company's Factory, and where the Inhabitants of this Country are restrain'd, it is only with those Tributary Indians who live on the South Side of James River, it being free for any one to Trade with the Indians in any other part of the Country. It is true that this Act has provided that those persons who contribute to the support of the Government, in the manner therein prescribed, should have the sole benefit of exporting goods from hence for the foreign Indian Trade, because it seem'd necessary to restrain such a generall liberty as had proved formerly prejudicial to the Government; but as that Restraint extends only to trading through Virginia, and that only for a limited time, and in favour of such persons as have purchased the privilege from the Government, so it can never be said to prejudice the Merchants of Great Britain, who never exercised any such Trade, at least for many years before the Act of Assembly was made, nor, indeed, ever had any immoderate dealings with the Indians at all, whatever the Petitioners ag't this Act may pretend. The Act of Parliament, it's true, does declare that it shall be Lawfull for all the Subjects of Great Britain to trade into any part of America to which they might Lawfully have traded before the making of that Act, and thereupon it may be objected that no British Merchant did before that time trade with any Indian Nations through Virginia, yet they might Lawfully have done it if they had thought fitt, and that this Virginia Law lays a Restraint upon that Liberty; but to this it is answered that the Act of Parliament seems only to point to that sort of Commerce which is to be so carried on by the Brittish Navigation, and not to a Trade severall hundreds of miles within Land, which is no otherways to be managed than by persons residing in the Neighbouring plantations; and tho' that Commerce might have been Lawfull for the British Merch'ts to exercise at the time of making the Act of Parliament, yet it was not permitted to any person coming from Virginia, the Governm't of South Carolina having taken

care to prohibit all but themselves from trading through any part of their Charter, and by that means engrossed all the Indian Trade on the Southern Continent of America; And if such an Exposition should be made of the Act of Parliam't, as that all persons indefinitely shall immediately, upon the discovery of a New Trade, be let into an equal liberty of exercising it with those who have been at the expence of such discovery, It is not to be supposed that any sett of men will undergo the Expence of making such discoveries, nor will his Majesty have it in his power to extend his Royal favour for the encouragement of those discoveries, which would be such a Restraint upon the Prerogative as it's probable the Legislative power never intended; And that the Company erected by this Act of Assembly ought to be considered as persons endeavouring the discovery of a New Trade is plain from the Preamble of the Act, as from a long Experience that the forreign Indian Trade was entirely lost to Virginia, and there seems to be but little difference between recovering a Trade already lost, and gaining a Trade never before discovered, since in both there is a certain Expence and an uncertain Prospect of Advantage; Besides that, there is another Act of Assembly, pass'd severall years ago, (and which, if I am not mistaken, was under the consideration of the Board of Trade amongst the other revised Laws,) which gives Sole privilege of any new Trade with the Indians to the Discoverer for fourteen Years; And as that Act has been in force for these ten years past, and never disapproved of, I had no reason to believe that this would be less agreeable to their Lord'ps, especially when it contributed so much to his Maj'tie's Service and the Support of the Government; whereas the former Act, which passed with their Lord'ps' Approbation, had no other Condition annexed to it than barely for the Encouragem't of new discoveries. I shall only add that the Virginia Act complained of is copied from the Act of Parliament passed in the ——— year of King William and Queen Mary for encouraging the Greenland Trade, with this only difference: that Act of Parliament limitts that Trade to certain persons by name, and without paying any consideration to the Government for the purchase of that privilege; whereas the Act of Assembly gives an equall liberty to all his Majesty's Subjects that pleased to enter into that Trade, and did require a proportionable Consideration to be advanced to-

wards the support of the Government, as the purchase of the privilege of those Adventurers, both the Act of Parliament for the Greenland Trade and the Act of Assembly for the Indian Trade are founded upon the same reason—vizt., the reviving of a Trade entirely lost, and which could not be retrieved by the separate Interests of private Merchants—And if the Parliament of England thought fitt in such a Case to grant the privilege of so beneficial a Trade to a certain number of Merchants, exclusive of all others, I hope it will be looked upon as pardonable in me if, following so great an Example, I have passed an Act for encouraging the Recovery of this small branch of the Virg'a Trade under the like Circumstances.

I might also add how groundless those Objections are which are made by the Pet'rs against this Law, who never pretended to a least share of the Indian Trade of Virg'a, except as Factors for a few of the Inhabitants concerned therein, and how disingenuous they are in assuming that they have great Cargos now here only proper for that Commerce; but this will be so fully confuted by the Answer of the Indian Company to these Representations that I shall not trouble you with any Observations of mine thereon.

Finding the Council are somewhat tedious in forming their Report, tho' they are agreed upon the heads of it, and wholly in favor of the Indian Company, I would no longer defer sending these my Observations, as I understand the Indian Company intend to send their Memoriall, which has been twice read in Councill, and received this testimony from that Board that it contains nothing untrue, or any misrepresentation. An accident, to which I was an eye witness, has convinced me, and I doubt not, will their Lord'ps, that the Indian Trade can never be secured or brought to any perfection by separate Traders. No longer ago than last week a Number of Cattabaw and other Western Indians brought into Christanna 11 of their Children as hostages for their fidelity, consenting also that these should be educated at the School there and bred up Christians. While they were at that place treating with me, a party of Senequas and Tasks attacked them in the Night, kill'd five of them, wounded two, and carried off five others prisoners. These Western Indians were highly enraged at this Insult, and perswaded themselves that the English must have been privy to it,

or else the Senecas durst never have ventured attacking them just under the Cannon of that Fort. It was with abundance of difficulty, and not without running some hazard in my person, while the first impression continued, That I at last overcame this their Suspition, and perswaded them to leave their Children, but the fear of those still retaining the same Notion that they will revenge themselves on the English, has so possessed the men hyred by the Indian Compa. to guard their Cargo, that scarce one of them will venture to go out on that service, and if, after an Expence of near £3,000 in purchasing horses, furniture and provisions, and advancing money to divers of the men Listed, It is a very great doubt whether they can send out their Cargo or not this Summer for want of a sufficient number of men to guard it; So that if such an accident as this can so far discourage the people of the Country and prove the disappointment of an undertaking, in w^{ch} so much has been already expended, it may be easily judged that less Events would discourage separte Traders who never are above 5 or 6 in a Gang, and consequently have more reason to apprehend danger than a Body of 40 Men, which was the least the Compa. proposed to send out. And the Merch^{ts} in England need not make such a Stir to repeall the Law, for were they possessed of the whole Trade at this time, they'd find it attended with so many difficultys that they would soon be weary of it; and if they'l but pay ye Compa. the Charges they have been at in endeavouring to recover it, and what they have expended for the publick Service, as the purchase of their priviledge, I dare say the Compa. will be very easy what becomes of the Law or the Trade either.

But I must not conceal the inconveniencys w^{ch} will attend ye Government by laying upon again that Trade. The principal Inducement, both to our Tributary Indians and the Cattabaws, for delivering their Children to be bred Christians, is the promise of goods at cheap rates. They have already experimented how much Cheaper the Company affords them goods than the old Traders, and so long as the Compa. subsists, they have agreed to continue the same manner of dealing with the Nations that put their Children to School at the Company's Factory. But if this Law is repealed, Seperate Traders will not be bound to those measures, nor can they indeed afford their Goods so cheap

as the Compa do; And then, as the Condition upon which the Children were delivered up will be infringed, the Indians will no longer think themselves obliged to leave them hostages, nor keep any other Terms with this Gov't. So that the design of bringing those Indians to the Christian faith must fail, And I most very frankly declare, that if a parcell of men, who don't care a farthing whether there be either Religion or Government in this Country, shall have Interest enough, by meer Clamour, to disconcert all measures I take for promoting the Christianizing of the Heathens, and thereby securing the future peace of these, his Ma'ty's Dominions.

April 16th, 1717.

To the Lords Commissioners for Trade and Plantations :

MY LORDS :

It is with concern that I find myself obliged again to trouble your Lordships in a matter which has been the subject of severall of my Letters, I mean the unjust proceedings of the Government of South Carolina with Relation to the Forces sent from hence to their Assistance ag't the Indians. Notwithstanding that Government solemnly engaged that they would make good whatever Articles their Agent should conclude for the encouragement of men to go from hence into their Service, and afterwards repeated the same Assurances so long as they stood in need of Assistance, yet not one Article of their Agreement has been observed. By the Treaty or Agreement the Soldiers sent from hence were to be paid 22s. and 6d. Virginia Money p Month, to have Cloaths furnished them, and an able labouring slave sent to work on their plantations during their absence, Yet, after their arrivall in that Government, they were compelled to accept of four p'ds a man p Month, Carolina money, in lieu of their pay, Cloathing and slave, w'ch Sum, under the denomination of four pounds there, is not of more value than twenty shillings of this Country money; those that would not accept of that pay were denied the liberty of return-

ing to Virg'a, and no Credit was allowed them to purchase necessarys till they yielded to such Terms as that Governm't thought fit to prescribe them, So that, tho' the Winter was approaching, and the Men being themselves like to perish for want of Cloaths, most of them consented to accept of such pay as that Government would give, which was scarce sufficient to buy them necessary Cloathing at the rates Goods are sold in that Country. By the same Treaty, it is expressly provided that the Servants sent from hence should be returned to their own Masters, together with the profits of their pay, and that the pay of such as were Debtors should be remitted hither for the satisfaction of their Creditors; but instead of observing these Conditions, not one of the Servants are returned, nor one penny remitted to the Masters for the loss of their Service, and the greater part of those in debt are either enticed by the Government to stay there, or terrified from returning hither, having gained nothing wherewith to discharge their debts. It may possibly be pleaded in excuse for that Government that the List of the Debtors not being sent according to the Agreement, it could not be known who these Debtors were whose pay was to be remitted hither; but to this it is answered, that soon after the arrival of the Virg'a fforces in Carolina, repeated Complaints were sent from thence of the artifices used to defraud our men of all the advantages promised them here for the imaginary equivalent of 4 lb. [sic.] ₤ Month, Carolina money, and praying me to interpose that they might not be compelled to yield to so unreasonable an Imposition; Whereupon I writt to Collo. Craven that no greater Advance of Pay should be made to any of our men than after the rate of five Shill's, Virg'a Money, ₤ Month, which I concluded would be sufficient for their petty occasions, if that Government observed their Engagements of furnishing them with sufficient Dyet and Cloathing, and that the Remainder of their pay should be remitted to Virg'a for the relief of their familys and ye satisfaction of their Creditors; but no Regard was had to that demand, for even after the Receipt of my Letter, the same Compulsory measures were used to make them accept of their pay in that Country, or else to starve. Had the fforces sent from Virginia proved useless to that Gov't, some colour might have arisen for this, their unkind Usage. But the very Letters from their Gov'r

and Council, and from sundry of the Inhab'ts, acknowledge that their Country owes its preservation to ye seasonable Succours sent from hence; that in a few days after the arrival of the first supply they had the good fortune to defeat a body of Indians who had advanced within a few miles of Charles Town, and that without the Assistance, that Country was utterly unable to defend its Frontier Garrisons ag'st the Enemy.

While the War continued, the Gov't of South Carolina gave repeated Assurances that they would comply with their Engagements. They even passed an Act of Assembly that the Slaves mentioned in the Treaty should be sent hither by the beginning of April, 1716, In Case this Gov't should not be prevailed with to accept of an Equivalent of fifty Shillings Carolina money p Month in lieu of each Slave, And they sent Agents hither to negotiate that Affair, but no sooner had they reduced their Enemys, and brought all the Indians, (except a very few,) to a peace, but they plainly declared we are neither to have the Slaves nor the Equivalent. So many of our people, as could not be perswaded to stay there, are sent back; and it appears too visibly, that after 10 Months' Service laid out in Cloathing, they were in a worse condition than when they went from hence.

This Gentleman, Mr. Kennedy, the bearer hereof, having been employed to sollicite the Governm't of Carolina for Justice in this Affair, will be best also to give Yo'r Lord'ps a true Account of the behaviour of that Government towards the Virginia fforces; what the value of their money is, and what the price of goods, by which your Lordships will perceive how strangely that Province has prevaricated when, under the Pretence of enlarging the pay of the Virginia fforces, they have really lessened it, and at the same time defrauded them of the other Advantages promised them, and which were the Chief Encouragements for their ent'ring into that Service. I have, 'tis true, many acknowledgments from the Governour and Council of that Province for the Seasonable Assistance I sent them for saving their Country, and abundance more to that purpose, but I perceive by a Memorial which has been lately delivered to yo'r Lord'ps' Board that all these Obligations are forgott and a very different Turn given to the part this Governm't acted in the preservation of that Country, than what they have heretofore owned. But I shall not take up your L'd'ps' time with answer-

ing that Memorial untill yo'r Lord'ps have thought it worthy yo'r Consideration, and shall command my observations thereon. What I am now most humbly to beg of yo'r Lord'ps is, that you would be pleased to interpose your Interest and good Offices with his Maj'ty to oblige the Governm't of So. Carolina to do us Justice in the performance of their publick faith. I cannot conceal from yo'r Lord'ps the trouble it gives me, after having preserved for so many years among the Inhabitants of this Colony the Reputation of honesty and Candour, I should now be suspected of combining to kidnap its Inhabitants into the Service of another Province, upon imaginary Encouragements which were never designed to be performed. These are the daily Clamours of abundance of disappointed Creditors and Masters whose Debtors and Servants remain still in Carolina, and of those who are returned and find they have hazarded their lives and spent their time for nothing. If Some measures are not taken to oblige that Governm't to keep their publick faith, Yo'r Lord'ps may easily Judge what Effect it may have when any future occasion shall require the Assistance of one of his Maj'ty's Plantations to another. This Gentleman has also been employed in delivering a letter from me to the Governour of St. Augustine in behalf of South Carolina, the Answer to which, as well as it could be copyed out here from the original, is here enclosed. For both these Services he has received no other Satisfaction than the bare thanks of the Government, Such being the present deficiency of his Ma'ty's Revenue that even, notwithstanding his Ma'ty's Royal Bounty out of the Quit Rents, it is not sufficient to defray the ordinary Expence of the Governm't.

I therefore beg leave to recommend his Services to yo'r Lord'ps, hoping that by yo'r Lord'ps' means his Majesty may be pleased to make him some Recompence out of the Quitt Qents, for the trouble and charge he has undergone, which I request of Yo'r Lord'ps, as well in the name of the Council as my own.

April 16th, 1717.

To Collo. Blakistone :

S'R :

The bearer hereof, Mr. Francis Kennedy, having been employed in behalf of this Government to sollicite that of South Carolina for Justice to the fforces sent from hence to their Relief, I have desired him to wait on you and give you the best information of the State of that Affair. I have writt to the Councill of Trade on this Subject, and must desire the favour of you to sollicite it as earnestly as you can, it being a matter wherein my honour is concerned, as well as the doing Justice to a number of poor men who ventured their lives to save an Ungratefull People, who now laugh at them for their pains, and seem meerly to banter this Government for trusting to their Publick faith. Mr. Kennedy will go with you to the Board of Trade, or to any other of the Ministers where you think it proper. And as I have, out of my Inclination to gratify him, and at the request of the Council, recommended him to the Board of Trade for some recompence for the Services he has done this Government, both at South Carolina and St. Augustine, I pray the favour of your assistance and good offices to serve him therein. You know pretty well that the Treasury here does not abound in money; for even his Ma'ty's late Bounty out of the Q't rents has not yet made it sufficient to discharge the usual Salarys, And for that reason this Gent'n has only had the publick thanks of the Governm't here for the time and charge he has been at in its Service. By him you will receive his Royal Highness's Warrant for yo'r Additional Sallary, which, according to yo'r desire, is entered on the Council books, and I also send you bills of Excheq'r for £150, being three-quarters payment till Lady-day last. The first payment was intended sooner, but, unluckily, missed the Ship. I have lately rec'd yo'r's of the 6th of ffebr'y, and acknowledge myself much obliged to you for the notices you give me therein. I find, by the Storys you say are whispered about Town, that I am a very unequal Match for my Adversarys; for certainly one who only regards Truth is under a great disadvantage to deal with people who make no scruple of misrepresentations. The Original of my dispute with Mr. Lud-

well and Mr. Byrd is so far from being owing to the Women, (as it is reported,) that the Wife of one of these Gentlemen has intimated her desire of continuing a Correspondence and mutual Visits with Mrs. Russell, (who manages the Affairs of my family, and is the only Woman in this Country I can be said to have any Relation to,) if it was not at my house. You may be sure, while I labour under the disadvantage of being whispered out of my Reputation by false Reports, I should be glad to have an end of a dispute which Administers occasion of fresh inventions; but I have yet seen no other Overtures towards an Accomodation but what is dictated to me by Mr. Perry, the Sum of which is, that I should own myself wrong in that suspension and the Law Suit; And, in short, little better than asking pardon for accusing falsely two such honest Gent'n, and endeavouring to take away Collo. Ludwell's freehold without any pretence of Right. His whole letter is of such a strain as I shall not think fitt to answer it till I find him disposed to hear one side, as well as he has the other, before he takes upon him to give his Judgm't. He has sent me a copy of S'r Robert Raymond's^a and Mr. Lechmere's^b opinion upon the Law Suit, as stated by Collo. Ludwell, by w'ch I can clearly perceive that nothing has been put in question to them but the fairest side of the Case, and that the weak part of Collo. Ludwell's Title has been industriously concealed; and yet, even in their answer to one of the Querys, gives up one of the main points in dispute in my favour, tho' Mr. Perry could not distinguish it. As

^a Lord Robert Raymond, son of Sir Thos. Raymnd, Kn't; born, 1672; died, 1733; was called to the Bar, 1694; Solicitor-General, 1710; Attorney General, 1714; Judge of the King's Bench, 1723; Chief Justice, 1724; a Commissioner of the Great Seal, 1724; raised to the peerage as Baron Raymond of Abbot's Langley, in the county of Hertford, January 21, 1731. He married Anne, daughter of Sir Edward Northey, and left one son, Robert, upon whose death, in 1753, the title became extinct. The 4th edition of his "*Reports, King's Bench and Crown Pleas, 1693-1734*," was published in 1790. He was also the author of a folio volume of "*Rubrics*."

^b Nicholas Lechmere, an eminent lawyer, appointed Solicitor-General, *vice* Sir Robert Raymond, October 19, 1714; Chancellor of the Duchy of Lancaster, June 16, 1717; Attorney-General, *vice* Sir Edward Northey, March 18, 1718, and in turn displaced by Sir Robert Raymond, May 3, 1720; created Baron Lechmere of Evesham, in the county of Worcester, August 25, 1721. He married Lady Elizabeth Howard, daughter of Charles, third Earl of Carlisle, but dying issueless, in 1727, the title became extinct.

to my Charge ag't Collo. Ludwell, I have only yet given the gen'l heads of it, but when I come to descend to particulars, I doubt not to make it appear that the friends they complain of are not so insignificant as Mr. Perry would make 'em. It was above 6 Months before Mr. Byrd left the Country that, in answer to some Objections of his ag't my Scheme for the Collection of the Revenue, I gave it him under my hand that the King's Revenues were under the grossest mismanagement and most fraudulent Collection that was ever known; And if it was denied I undertook to set forth the particulars, And if Mr. Byrd was so unblamable an officer as he now sets up for, it's very strange he would not put himself upon his Justification here, where the Truth could only be discovered. However, I agree with you that after having represented these mismanagements to my Superiors, I have done my duty, and it is their choise whether they will take further notice thereof or not. And, indeed, I imagined that since Collo. Ludwell had yielded up his place, this dispute would have dropp'd, of Course, being only about turning him out of a Post which he did not think fitt to keep; but if Mr. Byrd and he will insist upon a Justification, it is but reasonable for me to expect an Opportunity to reply before any decision of the affair. And I cannot have so ill an opinion of the Board of Trade as to imagine they will refuse me that Justice, unless they are minded that the King's Governors here shall let every one here do as he pleases without regarding either the King's Interest or his own Duty. It is somewhat hard that a Governour shall be, by his Maj'tie's Instructions, enjoined, upon pain of his highest displeasure, to take care of the due collection and managem't of the Revenue, yet when he attempts to reform abuses, that he shall, for that reason, be clamoured out of his Reputation and Office by a sett of men who make it their meritt to oppose all Governours whatsoever; but if this is to be my fate, I must have patience till I have the happiness of seeing my Native Country again, when I hope I shall have an opportunity of justifying my Administration, and of opening a clearer prospect into the State of this Country than has yet been known to those under whose inspection it has been.

May ye 1st, 1717.

To the Lords for Trade and Plantations :

MY LORDS:

As no light Consideration shall ever make me trouble Yo'r Lord'ps, I hope what I herewith transmit will receive the more Attention, as it concerns the Libertys, and probably Lives, of many of his Majesty's Subjects of this Colony. I need not take up Your Lordships' time with any other Narrative of the Case than what is contained in the enclosed Representation, and shall, therefore, only begg leave to remind yo'r Lord'ps that in my Letter of the 3d of July last past I gave you a full account of the intended Voyage of Harry Beverley,^a (the person mentioned in this Representation,) and sent a Copy of the Instructions I gave him, which I then judged to be for his Majesty's Service, and such as might have secured him from the violence he has since mett with, if those into whose hands he has fallen had any Regard to Justice or the Law of Nations, for, by the same Rule that the Spaniards have taken this man and his Vessell on the High Seas, without being near any of their Dominions, and without any Hostility offered on his part, every Vessell belonging to his Majesty's Subjects may expect the like Treatment. But as the Care of these Plantations is more particularly entrusted to y'r Lord'ps, I doubt not you will be pleased to Interpose Yo'r good Offices, not only in behalf of these unfortunate men, but for the future Security of the British Commerce in America ag't the violence of the Spaniards, the unwarrantable Reprisals they pretend to make on his Ma'ty's Subjects.

It was in the same Letter of the 3d of July that I communi-

^a Henry Beverley, (second son of Major Robert Beverley, of Yorkshire, England, who migrated to Virginia about 1660, and settled in Middlesex county, calling his seat "Brandon"; was a lawyer of learning and ability; vestryman of Christ Church parish; Clerk of the House of Burgesses 1670-82, and again in 1685; Major of the Virginia forces, and was the most efficient officer of Gov. Sir Wm. Berkeley in quelling "Bacon's Rebellion"; deposed from his clerkship in 1682, and arrested on a charge of sedition, but was pardoned; died in 1687.) Justice of Middlesex county in 1707; moved to Spotsylvania county; vestryman of St. George's parish; left descendants. See *Cal. State Papers, Virginia*, I, pp. 88, 186, 188, regarding his voyage, etc.

cated to your Lord'ps the information I then rec'd of the Resort of Pyrates to the Bahama Islands, and the apprehensions I had of their Increase on those Coasts, if timely care was not taken to Suppress them. Yo'r Lord'ps will perceive, by the Information I now send, how just my fears were, and how much the Trade of this Colony has already suffered. The number of Pyrates is greatly increased since, and 'tis now no inconsiderable force that will serve to reduce them if they once come to furnish themselves with Ships of force, w'ch they cannot be long unprovided among those w'ch use the Trade of the West Indies and of this Country, and seems to be their principal aim on this Coast. The Shoreham, Man of War, appointed for this Station, is but just returned from South Carolina, and is under orders to proceed to England, but is neither in a Condition, (without Careening and Repairing,) to pursue that Voyage Or undertake any long Cruise in pursuit of these Pyrates. But that this Ship might be as usefull as her condition will permitt, I have prevailed with the Capt. to stay here till he is relieved, and to Convoy the Trade of this and the Neighbouring Province of Maryland, from time to time, so far off the Coast as may put them out of danger, and he now Convoys the Ships by w'ch this is sent. This, I hope, will be judged a necessary service, and such as will excuse the Capt's delaying the execution of his orders for his immediate return home, which would leave a great part of the Trade of those two Plantations at the Mercy of the Pyrates, and even give them an easy access into our Bay and Rivers to plunder the Inhabitants. I doubt not yo'r Lo'ps will use y'r Interest that a sufficient force be speedily dispatched to those Coasts for securing the Trade, and particularly to the Bahamas, to dislodge the Pyrates from thence where they have settled their Generall Rendevouze, and seem to look upon these Islands as their own, and it is high time some measures were taken to reduce them, either by force or by an offer of pardon upon their Submission; the first is that w'ch will undoubtedly Fortify others from falling into the like wicked Courses, And it is to be questioned whether the Letter would be accepted of by all of them.

I shall add no further at present, Reserving other affairs of less Consequence to my next, when I send the Journals and other publick Transactions of the Governm't.

May the 30th, 1717.

To the Lords Commissioners for Trade and Plantations :

MY LORDS :

Being well assured that during my Administration the Expence of this Governm't has been managed with the utmost frugality, I may the more boldly represent to yo'r Lord'ps the present deficiency of that branch of the Revenue w'ch is appropriated for its Support, and with the more hope of Success renewing my Sollicitations for yo'r Lord'ps' good Offices towards obtaining a further Supply out of the Quit Rents to make good that deficiency, seeing I can safely demonstrate that the considerable advance of that Revenue is owing to the Scheme I have put in practice for the Collection thereof. The Accompts of the Two Shill's per hogshead, and of the Q't rents w'ch I herewith transmit, will shew that the first falls short of discharging the last half year's Sallary £1,973, 10. 4¼., and that the other is in bank £3,766, 1. 4. So that I hope by yo'r Lord'ps' favourable interposition his Maj'ty will be graciously pleas'd to clear off the debt on the 2S. a hogshead by ordering so much of the Ballance of the Q't rents to be transferred for that purpose, as has been heretofore done twice by his Royal Predecessors when the Short Crops of Tobacco have occasioned the deficiency of that Revenue as has in some measure been our Care for a great many years past. But tho' this has by degrees lessen'd the Revenue, the extraordinary expence we have been at for the relieff of our Neighbours of South Carolina, and some other unusual Events, has been that w'ch has increased this Debt and w'ch his Ma'ty has been pleased already to take notice of as the Motive for his last Royal donation. It has also been intimated to me that had there been a greater ballance remaining of the Q't rents, It would have been granted, And I should have sooner applied for it could I have prevailed with the late Officers of the Revenue to have perfected the Accompt thereof for the year 1715, which, notwithstanding my frequent calling upon them for it, was not pass'd till this Spring ; but because the renewing any Complaints of the backwardness of those Officers may be disagreeable to yo'r

Lord'ps, now that they are both removed, I shall, therefore, wave troubling yo'r Lord'ps any further on that Subject. The good disposition yo'r Lord'ps have show'd towards us in yo. late Representation to his Ma'ty on the like occasion makes it unnecessary for me to use any further Argum'ts in what I am now solliciting, and shall therefore add no more than the Assurances of my being w'th the greatest Respect.

May 30th, 1717.

To ye Lords of the Treasury :

MY LORDS:

The Acco'ts of his Ma'ty's Revenues of 2s. ss hhd. and Q't rents arising in this Colony, w'ch I have the hon'r now to transmitt to Your Lord'ps, will show what is the deficiency of the one and the considerable Increase of the other. As it is owing to the extraordinary Expence this Gov't has been at in relieving its Neighbours of Carolina and the defence of its Frontiers that the first is fallen so much in Arrrears, So the Advance of the last is no less owing to the measures I have lately taken for the more due Collection thereof, And, therefore, I hope I may with the better grace presume to entreat yo'r Lord'ps' favour that so much of the ballance of the Q't Rents may be transferr'd to the Acco't of the two shill's ss hogshead as may suffice to discharge the Debt now on it, w'ch I can, with truth, assure yo'r Lord'ps has not been occasioned through any unfrugal management on my part. It may not be unknown to your Lord'ps that such Donations have been granted by his Ma'ty's Royal Predecessors whenever the like occasions have rendered the Revenue of 2s. a hogsh'd unable to defray the annual Expence of the Government, and his Maj'ty having been pleased, in his late Warrant for transferring the last Ballance of the Q't Rents, to take Notice of the Extraordinary Expence w'ch has occasioned the Deficiency, I hope that the same consideration will still prevail w'th his Ma'ty to clear off the whole Debt as he has already a part, Since there is so much more of the Q't Rents in bank than will be necessary for that End.

May ye 30th, 1717.

To Mr. Secretary Methuen⁴⁴:

S'R:

Last month I had the honour of yours of the 20th December and 24th of January. By the last I rec'd, with abundance of Joy, the News of his Ma'ty's Safe arrival in England, and, at the same time, the pleasure of finding myself more immediately under yo'r protection, by the Designation his Ma'ty has been pleased to make of you for Secretary of State of the Southern Province, in which I wish you all imaginable Satisfaction. It is now near a twelve month ago since I communicated to his Ma'ty's Ministers, particularly to the Board of Trade and the Lords Comm'rs of the Admiralty, the apprehensions I had of the growth of Pyrates in those parts, with my humble opinion that some additional Strength of Men of War would be absolutely necessary to be sent to these Plantations for the Security of the Trade. Experience has shew'd how just my fears were. Our Capes have been for these six Weeks pass'd in a manner blocked up by those Pyrates, and diverse Ships, inward bound, taken and plundered by them. Their Strength increases daily by the addition of new men from those Ships that fall in their way, though they give out that they will force no man into their Service, being resolved that none who joine them shall have any hopes of mercy on that account. His Ma'tie's Ship, the Shoreham, appointed for the Guard of this Station, being but just returned hither from South Carolina, and wanting to be careened, is not in a Condition to undertake any long Course in pursuit of those Pyrates, nor, indeed, able to deal with them if they once come to be supplied well with Ships, which seems to be their only Aim on this Coast. They have already one Ship of 26 Guns, besides divers Sloops, well mann'd; and a Guardship car-

⁴⁴Paul Methuen, who had served as Envoy to Portugal, and to the Duke of Savoy, and as one of the Commissioners of the Admiralty, September 21, 1710, and of the Treasury, October 5, 1714, and May 19, 1715; appointed as Secretary of State, June 21, 1716; resigned, April 3, 1717; made, June 11, 1720, Comptroller of his Majesty's household, and Treasurer, May 13, 1725; created Knight Companion of the Order of Bath, June 17, 1725.

rying but 32 Guns, it seems rather advisable he should act on the defensive than to hazard attacking an unequal Enemy. I have concerted measures with the Capt. for conveying off the Coast the Trade of this and the Neighbouring Province of Maryland, from time to time, as they shall be ready, untill the present danger be over, which I am afraid it will not be untill a Superiour force is sent to Suppress these Rovers. I have, by this opportunity, communicated the Informations I have received concerning them to the Board of Trade, and hope, by your and their interposition, some care will be taken to remove the danger which threatens the Trade of all his Ma'ty's Plantations, and will certainly become the more formidable by being longer neglected. Another thing I have to communicate to you is that about the beginning of July last a Sloop was fitted out here, commanded by One Harry Beverley, for discovering the Strength and designs of the Pyrates then said to have possessed themselves of the Island of Providence, and to gain an Account who they were that had attacked the Spaniards at their Wrecks on the Coast of Florida. The design of fitting out this Vessell, and the Instructions given to the Commander, were transmitted from hence to the Lords of the Admiralty and the Lords Comiss'rs of Trade in my Letters of the 3d of July last. The day after this Vessell parted from hence she was Surprised with a Violent Storm, and drove far Estward as the Island of Bermuda.

* * * On the 5th day after her setting Sail from Virginia, a Spanish man of War came up with her, commanded the Master on Board, who, (conscious of his honest intentions,) readily obeyed, and was immediately, without any Examination, made Prisoner his Sloop taken and rifled, and his men stript and abused. And it appears by a Letter from the s'd Beverley, dated from St. Domingo, in Hispaniola, the 10th of Aug't, that he had petitioned for a Tryal, but was refused, and that by what he conceived from the Injustice of the Seizure and the ill treatment he had received, all he had to expect y't he and his Men might be set to work as Slaves in the Spanish Mines. The Council of this Colony have unanimously joined in a Representation of this Case to be laid before his Ma'ty, which is now transmitted to the Board of Trade, and I hope your Compassion for the Miserys of so many of his Ma'ty's Subjects will incline you to interpose yo'r good Offices for their Relief. Notwithstanding

our Neighbouring Provinces have suffered under the misfortune of an Indian War, our frontiers have, for these four years past, been free from so much as one Alarm, but an accident has happened lately which might have had very ill consequences had I not been present at the time and taken pains to prevent the same. A considerable Nation of the Southern Indians, who at first engaged in the War against South Carolina, repenting of their Rashness, applied to this Government for restoring a Peace wth his Ma^{'ty}'s Subjects, And after Sev^{'ll} Conferences with them, it was at last agreed that for the Security of this Peace to be made with them, they should deliver up to the Gov^{'t} a number of their Great men's Children, to remain here as hostages for their fidelity to the British Interest, and to be taught to read English and instructed in the Principles of Christianity, as the Children of our Tributarys are at the School of Christanna. Pursuant to this Agree^{m't}, ab^{'t} the beginning of last April, they came into place, (w^{ch} is a ffort lately erected on our Southern Frontiers,) bringing with them their Children as Hostages, and because they seem'd unwilling to come any further, I went to meet them there, where their Hostages were delivered to me with much cheerfulness, and with this express Declaration that if ever they violated their ffaith to the English, by making war on any of his Ma^{'ty}'s Provinces, Wee might use their Children as they treated the English. But the next morning by break of day, while these Southern Indians were lying without the ffort, and, according to the discipline established there, had delivered up all their Arms as trusting to our protection, A party of the Northern Indians Surprized them, killed, wounded and took prisoners about a dozen of them. It is impossible to express the Rage of these People on this occasion. According to their naturall Jealousy, they immediately concluded that this Attack was contrived by the Treachery of the English, and that wee had broke our faith with them. It was with no small danger that I at last perswaded them to harken to Reason, But after some Arguments to prove our Innocence therein, a promise to obtain Satisfaction for the Injury, and considerable presents, I at last pacified And sent them away, Leaving their hostages behind them. I think it my duty on this occasion to acquaint you that the party who committed this Insult on the Indians, under the protection and safe conduct of this Government, were of the Sene-

qua Nation, one of those 5 Nations under the Governm't of New York. That in ye year 1685 a peace was concluded At Albany between this Gov't and the s'd five Nations; That it is particularly enjoyned by one of his Maj'ty's Instructions that the s'd Peace shall be punctually observed on the part of this Governm't, and 'tis certain it has been so ever since it was first made; but, besides this late Insult, those Northern Indians have committed divers hostilitys on our ffrontiers, in 1713 they rob'd our Indian Traders of a considerable Cargo of Goods, the same year they murdered a Gent'n of Acco't near his out Plantations; they carried away some Slaves belonging to our Inhabitants, and now threaten not only to destroy our Tributary Indians, but the English also in their Neighbourhood. I multiply words to perswade you that such Treatment of this Gov't, by Indians under the Subjection of another of his Ma'ty's Provinces, requires some Reparation. That it is for the British Interest to preserve, among these Indian Neighbours, the reputation of truth and Justice, and that those who Submitt to the protection of one Province may find themselves Secure ag't Injurys from another, And therefore hope you will judge it reasonable that Instructions be sent to the Gov'r of New York to oblige the Indians under his Gov't to forbear hostilitys on the King's Subjects of the Neighbouring Colonys and likewise on any Nation of Indians under their protection; that those Senequas be made to understand that those presents that have on diverse occasions been made to them at a very great expence to the Crown is not intended to secure their friendship only to the people of N. York, but that all his Ma'ty's Plantations may be safe from their Incursions, and that some acknowledgm't, at least, be made by them for this late affront to his Ma'ty in presuming to attack people in Amity with the English while they were under the protection of one of his Ma'ty's Forts.

As to what you are pleased to write to me in relation to Mr. Bridge's Commission as Surveyor of his Ma'ty's woods, whenever he comes into this Colony I shall be ready to give him all the Assistance in my power for the execution of his office.

June 13, 1717.

To the Bishop of London:

MY LORD:

Since my last, of any publick concern, I have been honoured with divers of your Lord

s, by the severall Gentlemen you have been pleased to send in to supply the Vacant parishes here, and who are, according to yo'r Lord

s desire, settled in the best manner I could provide for them. Mr. Fountain⁶⁶ has a parish on James River. Mr. Rainsford⁶⁷ being unwilling to return to his former Parish, (w'ch is now Supplied, much to the Satisfaction of the people, by Mr. Hughs,⁶⁸) has chose one on Rappahannock, and Mr. Seagood⁶⁹ being but just arrived, is going to another Parish on ye same River, and I doubt not y'r Lord

is already informed that Mr. Jones⁷⁰ is admitted into the Colledge according to y'r Lo

s Recommendation, but this was not immediately done, because of some dispute among the Gov'r of the College ab't the Measures w'ch had been taken to fill that Place, but since Mr. Jones is now fixed in it, as much to my satisfaction as I know it is agreeable to y'r Lo

⁶⁶ Rev. Peter Fontaine, of Westover parish, Charles City county, brother of Rev. Francis Fontaine, *ante* p. 166.

⁶⁷ Rev. Giles Rainsford, first assigned to St. Anne's parish, Essex county, appears to have subsequently located in Culpeper county.

⁶⁸ Rev. Thomas Hughs is the only published representative of the name, of the Virginia clergy of the period.

⁶⁹ Rev. George Seagood.

⁷⁰ Rev. Hugh Jones, Professor of Mathematics, William and Mary College, Chaplain to the Assembly, and author of *The Present State of Virginia*. London: MDCCXXIV.

and I believe will justify me in the part I have acted. In answer to what y'r Lo'p was pleased to write by Mr. Tho. Lee, I now acq't you that we have still two Parishes without any Minister, and one other that is supplied by a Neighbouring Clergyman. These are all the Vacancys at present, fewer than ever the Country knew before, and which it will always be remembered to y'r Lo'p's Hon'r, who have taken such great ease not only to supply it as soon, but with such men, who have first given Y'r Lo'p proofs of their Capacity for that Sacred Function before you sent them abroad to exercise it. I am, in a particular manner, obliged to thank your Lo'p for it, as it eases me of some trouble w'ch my Predecessors have met with in the settling of the Clergy; but now the People are rather contending who shall have the Gentlemen y'r Lo'p send, than disputing my Collating them. But there is, indeed, one Vacancy more, which cannot be supplied in the ordinary way. 'Tis that of the Manacan Town, a Settlement of 30 or 40 fFrench Familys. Mr. Cairon⁷⁰, their Minister, dyed near two years agoe, and I have lately received a petition from them pressing me very earnestly to write to Yo'r Lo'p to send them another; but he must be a fFrenchman, for there's scarce any of them understand English so well as to join in the publick Worship in that Language, or profit by any Sermon preached to them therein. Yo'r Lo'p will judge that so small a number of people are not able to make large provision for a Minister. All they can do is to allow him £40 p Ann., paid in Grain and such other Manufactures as are the produce of their Labours, and Even this is a much heavier tax on them than any of our Inhabitants are charged with for the Maintenance of their Ministers. If, therefore, Yo'r Lord'p can obtain from the Society some additional Encouragement for a Missionary to come among them, It would be a particular Charity to those poor People. The bearer, Mr. Bagg,⁷¹ has been 8 years a Minister in this Country, but only in Deacon's orders, and has on that Acco't been disappointed of a Parish. He now goes home to be admitted into full orders and carries with him

⁷⁰ Rev. Jean Cairon.

⁷¹ Rev. John Bagge, who had been displaced as rector of St. Anne's parish, Essex county, by Rev. Giles Rainford; on his return from England, however, he was reinstated; dying in 1724, he was succeeded by Rev. Robert Rose.

Testimonials from the Vestrys of the Parishes wherein he has served, and from sev'll Gentlemen of good Credit here, of his good Life, and I cannot refuse him my Testimony, also that I do not know or have heard any thing in his Doctrine or Moralls unbecoming a Clergyman, or that may render him unfit for that sacred order he is now seeking to enter upon.

My Lord, I'm extremely sensible of the hon'r done me by the Society for Propagation of the Gospell in admitting me into their Number. It shall be my Study to meritt the Esteem of so hon'ble and pious a body by doing what I know will be most acceptable to them and most agreeable to the ends of their Institution, the propagating the Christian Faith among the Indians, (to w'ch a hopefull beginning is already made,) and encouraging the worthy Pastors, who are sent to keep up that Faith among the Professors of it here. As I owe this hon'r to yo'r Lo'p's Recommendation, I beg you will be pleased still to do me the further favour of making my humble acknowledgm'ts acceptable to that Society, (I having made them in a particular Letter to that Society by Mr. Blackmore,) And that you will also give me leave to assure y'r Lo'p of the profound Respect w'th w'ch I shall always remain.

Aug't 27th, 1717.

*To Mr. Secretary Addison:*²³

S'R:

By his Maj'tie's Ship, the Lyme, I rec'd on the 7th inst. the honour of your's of the 18th of Aprill, which gives me occasion to congratulate you on y'r Advancement to that honourable Station wherein his Ma'ty has been pleased to place you, and at the same time to express the pleasure I have in finding myself under your Province.

Such is the present Tranquility of this Colony that I have

²³The celebrated Joseph Addison, appointed one of the Secretaries of State April 11, 1717; displaced March 14, 1718, by James Craggs, Jr.; died June 17, 1719.

little to trouble you with. We have had for some time a Respite from the Insults of the Pyrates which infested this Coast, and doubt not the Guard Ship now sent to this Station will free us from their Depredations for the future. The only danger w'ch this Colony has now to fear is from the Northern Indians, and that I am endeavouring to prevent by setting on foot some Negotiations for bringing them into a more close Alliance with these his Majesty's Plantations. To this purpose, (while the common Affairs of the Government can best dispence w'th my absence,) I am preparing for a Journey to the Northward, and expect at Philadelphia, the Gov'rs of New York, Maryland and Pensilvania, in order to concert such measures with relation to the Indian Affairs as may prove for the Service of his Ma'ty and the mutual Interest of these Governm'ts. I have communicated my Schemes to his Ma'ty's Council of this Colony, who approve of my Journey and the occasion thereof, and I hope on my return I shall have the honour of transmitting to you some what worthy yo'r Attention. I send enclosed the Journals of Council and other publick Transactions, and have nothing more to add than to assure you of the respect with w'ch I am.

Aug't 29th. 1717.

To the Lords Commissioners for Trade and Plantations :

MY LORDS :

By this Conveyance I send the Journals of Council, and hope the Abstract, w'ch, according to yo'r Lord'ps' Commands the Clerk had made in the Margin thereof, is agreeable to yo'r Lord'ps intentions. Tho' I have, on former occasions, mentioned the most essential Transactions in those Journals, yet there are some things I must beg leave still to enlarge upon. In the Journal of the 3d of Novemb'r last past, yo'r Lord'ps will find certain Rules and orders established in Council for preventing frauds in that branch of his Ma'ty's Revenue, arising from the sale of his Maj'tie's Lands, which yo'r Lord'ps will find in the gen'll Accompts of the Revenue charged under the denomination of

Rights for Land, and two of the Proclamations herewith sent relate to the same matter. These rights, from the time they were first brought in use, have been issued by the Receiver General without any Comptroll, and accounted for without any Audit.

Many other Inconveniencys likewise appeared to me in the managem't of that Revenue which I judged it my duty to reform, the particulars whereof are contained in the enclos'd paper, No. 3, being a true Copy of the Remarks and Proposals I laid before the Council, upon which the Regulations mention'd in the aforesaid Journal of the 3d of November were Established. When yo'r Lord'ps have perused these Remarks and the proceedings thereon, I hope what I have done herein will not be disapproved by your Lord'ps, however censured by some men here, whose declared opinion is, That the Interest of the King ought to give place to the ease of the Officers.

Yo'r Lord'ps will be pleased to call to mind that in my former Letters I had the hon'r to acquaint yo'r Lord'ps with sundry Transactions between the Governm't and the Cattawba and other Western Indians for restoring the Peace of South Carolina; that soon after their Rupture with that Province I prevailed with 'em to cease their hostilities again, and that as a pledge for their living in Friendship with all his Maj'ty's Subjects for the future, they should, in a convenient time, deliver up some of their Chief men's Children to remain here as Hostages, and to be educated at the School erected for the Indian Children at Christanna. As soon as these Indians had made their Peace with South Carolina, they were not unmindfull of their promises to this Government, but in the beginning of last April the Chief man of the Cattawba Nation, with sundry other Chiefs of the Nations in that Confederacy, arrived at Christanna with their Hostages. On the 9th of that Month I went thither to meet them, and after some conference with them, wherein I observed a great desire to continue in friendship with the English, I dismiss them to their Camp, which was about 50 yards from the fort, but next morning, about break of day, a party of the Northern Indians, (of the 5 Nations under New York Governm't,) with some Tuscaruros, fell upon them and discharging their fire-arms all of a sudden, killed 5, wounded 2, and carryed of some prisoners. This unexpected Event had like to have broke all

measures with those Indians; their naturall Jealousy prompted them to suspect that the English had betrayed them, And it was with abundance of difficulty that I at last cured them of that Suspition; however, I had the good fortune to give entire satisfaction and to obtain the delivery of 11 of their Children to remain here as Hostages, and who are now under the Care of a school-master to be instructed at the school of Christanna, with the other Children of our Tributary Indians settled there. As nothing can contribute more to the preserving a good Correspondence with the Indians than giving them proofs of our keeping inviolable the Publick Faith, I judg'd it necessary, to remove any prejudices w^{ch} the Indians might have conceived against us on this occasion, to send a person to New York to demand the Releasement of those Prisoners which their Indians had carryed away, and writt also to the Governour of that Province to use his Interest for obtaining from those Indians such an Acknowledgm't as might in some measure repair the Affront to this, his Ma'ty's Governm't, in their attacking Indians in Amity under the protection of one of his Ma'ty's fforts, and even where his Govern'r was present. And for that purpose that some Deputys from the 5 Nations should be sent hither to renew and confirm that Peace w^{ch} was made between this Governm't and them in 1685, but, tho' Brigadier Hunter very Zealously press'd them to it, yet they will by no means yield to treat any where except at Albany, and thither they expect all his Maj'ty's Governours shall attend them. After so much Expence as the Crown has been at in Presents to these Nations, I cannot believe it is his Maj'ty's Intentions that they should continue any longer in that unreasonable Notion that their Alliances extend no further than to the people of New York. But as I am now, with the approbation of the Council, speedily to set out for the Northward in order to a Conference with the Gov'rs of New York, Maryland, Pensilvania, and I hope to concert with them such Measures as may render the Indians more Obsequious to the several Interests of those Provinces. I shall referr what further I have to say on this Subject till my Return.

I beg leave to add that there are very just grounds to suspect that some loose fellows, who, notwithstanding their being prohibited by Law, were carrying on clandestine Trade with the

Tuscaruro Towns, gave intelligence to the Northern Indians of the arrival of the Cattawbas at Christanna, and of the manner of their being encamped without their Arms, and thereby encouraged the one to fall upon the other, which occasioned the issuing one of the proclamations herewith transmitted for prohibiting the Clandestine Trade. I thought it necessary to mention to Yo'r Lord'ps this Circumstance to show the necessity of continuing Yo'r Regulations of that Trade, as it is established by Law, and how little regard these have to the Peace of this Country, who would persuade Yo'r Lord'ps, by setting aside the late Act of Assembly, to leave that Trade at large, and the Indians to be influenced by persons of the same Character as they have been heretofore, to the great disturbance of these Plantations.

In my Letter of the 1st of May, I inclosed a Representation of the Case of Harry Beverley, an Inhab't of this Colony, taken by the Spaniards, Since w'ch he is arrived here, having made his Escape from Lavoca Crux, where he had been detained 7 Months without any Tryal, tho' he often pressed for it, and neither allowing to him or his Men any Subsistence, But what the Assiento Factory bestowed on them out of Charity. Sev'll of his men perished for want of necessarys and many of them reduced to beg ab't the Streets till they could find opportunities of getting off, and in this manner the Spaniards treat the English taken at Campeachie and others who fall into their hands. It seems Mr. Beverley's Sloop and Cargo was what they wanted, and accordingly they took care to confiscate both, but upon what grounds is a secret to all but themselves. I have sent to Collo. Blakiston a State of the whole matter, drawn up and attested upon Oath by the s'd Beverley and diverse of his Officers and Crew, with the Letters and Papers therein ref'd to, attested by ye Merch'ts of the Assiento Factory, to be laid before Yo'r Lo'ps when your more important affairs shall allow you Leasure to give Attention to such private Grievance. Since I gave your Lord'ps an Acc't of the manner with which some of the Council Rec'd your Lord'ps' opinion concerning the appointment of Judges for the Courts of Oyer and Terminer, some Criminals com'd, after the last Gen'll Court, gave occasion for holding one of those Courts, and, because I would remove that wrong Notion, w'ch has been carefully infused into the people here, that

his Ma'ty has not the same power of constituting Judges here as in England, I thought it necessary to appoint five of the Council and four other of the principal Gentlemen of the Country to be the Judges, but some of the former resolving still to adhere to their former opinion that the Council ought to be ye Sole Judges in all Criminal matters, refused to sitt, tho' it might have been expected they would have acquiesced in Yo'r Lord'ps' determination of that matter since they have little to plead for themselves but what y'r Lord'ps have had already under consideration, and that his Ma'ty's Attorney Gen'll and all ye other eminent Lawyers here, are clearly of opinion that there is not anything, either in the Laws of the Colony or in the Charter of King Charles the 2d, that favours their pretensions. I should not have troubled Yo'r Lord'ps upon this head, (Seeing the Council have made no Representation to me as they did before,) but that it become a practice of late to hand Secret Remonstrances of the Affairs of Government, without any knowledge to private Agents, to be use of for concealed Designs, and I am apprehensive some such may be made on this occasion, and, therefore, I was willing to give Yo'r Lord'ps some intimation of this Dispute that you may not be surprised into any Alteration of what you have already declared to y'r sentiments thereof, nor made to believe that while I am contending for the legal Rights of the Crown I'm lessening the just priviledges of the Council. for, whatever specious Arguments they may use, it is certain their pretensions are now as frivolous, the Constitution of England, the laws of this Country, and ye Constant practice of former Causes, are entirely ag't them, and I hope y'r Lor'ps will give no Countenance to any thing that shall be urged in their behalf till I have an opportunity of setting forth what may be justly offered in support of his Maj'ty's prerogative and of the power of his Maj'ty has been pleased to Grant to his Gov'r for the Nomination of such Judges w'ch is now called in question.

Feb'ry ye 27th, 1717 [1718].

To the Lords of Trade :

MY LORDS :

Upon my return from New York I had the Honour to receive Yo'r Lo'ps' of the 16th of May and 10th of August, and last and since, that of ye 11th of Oct'r, w'th his Maj'ty's Instructions relating to the passing of Laws, and the Warrant for using the new Seal. Before I enter upon answering the particulars in those Letters, I beg leave to give yo'r Lord'ps a brief Acco't of my Negotiations to the Northward. As that progress was intended to concert with ye Neighbouring Gov'rs proper measures for guarding these Governments ag't the incursions of the five Nations, I found both the Governors of Maryland and Pensilvania entirely of the same opinion w'th me, that there could not be a more proper Season to bring those Indians to reasonable terms than now, while the Peace subsisted between his Maj'ty and the Crown of France, and consequently that we were not under the necessity of Courting their Friendship. They, also, agreed that it was necessary to demand something more substantial than the bare promises of the Chief men of those Indians, w'ch they are always very liberal of, in expectation of presents from the English, while at the same time their Young Men are committing their usual depredations upon ye Frontiers of these Southern Governments. In Order, therefore, to obtain this Security, We thought it necessary to offer certain Preliminaries, without w'ch We judged any further Treatys w'th those Indians would be in vain; but as Brigadier Hunter could not be spared from his New York Assembly, (w'ch was then sitting,) and ye ill state of Health in w'ch Collo. Hart left his Family, Obliged him to return home, the transacting of this part fell to my share, and I thought I could not imploy my time more agreeable to his Majesty's Service than by a personal Interview w'th Brigadier Hunter, to know his Sentiments. I arrived at New York very opportunely, to prevent the March of a Great Body of those Indians, w'ch I had Advice on the Road was intended Chiefly against the Tributarys of this Governm't, and the Governor of New York's Messengers overtook them upon their

March and obtained their promise to Abstain from any hostilities on the English Governments. As to the principal occasion of my Journey, the Assembly of New York being in the height of their business, and like to make a larger Session than Ordinary, and, withal, the Season of the Year being so far advanced as not to admit of an Interview wth the Sachems of the five Nations during my stay here, all that could be done was to leave the preliminaries to be communicated to them by the Governor of New York, who has engaged to obtain their Answer sometime this Spring, upon the Return whereof I shall be able more fully to communicate to Your Lord^{ps} what is the Sense of these Southern Governments to the five Nations, and what measures are necessary to be taken for securing his Maj^{ty}'s Subjects here against the dangers w^{ch} threaten them from that Quarter. In Obedience to his Maj^{ty}'s Commands, signified in Y^r Lord^{ps}' Letter of the 16th of May, I have issued a Proclamation publishing the 5th and 6th Articles of the Treaty of Neutrality between Great Britain and France, and forbidding all Trade and Commerce contrary to the said Treaty. Soon after, having received Advice that a Bermuda Sloop had imported here a considerable Quantity of french Sugar, I caused her to be Seized and brought to a Trial before the Court of Admiralty. Upon the Tryal, the Master Alleged that he purchased the Sugar of a French man at one of the Salt Islands, not belonging to the french King; but tho' the Judge of this Court thought fitt to discharge the Seizure, in regard the Master was ignorant of the Treaty of Neutrality when the Sugar was taken on board and imported here, Yet he declared he would for the future condemn every Vessel importing any of the produce of the French Settlements. This Declaration, I hope, will have its effect to deter people from that illegal Trade, tho' it must be owned that were the power of Judicature in Maritime Affairs in ye hands of any other person it would be difficult to obtain such a Sentence, it being the common Opinion here that the Treatys of sovereigns does not bind the Subject unless confirmed by Act of Parliament, and consequently that no man ought to forfeit his Vessel Or Goods for what is not made a Crime by any Law. 'Tis in vain to argue that the Prerogative of the Crown, in making Treatys and Alliances, being part of the Common Law of the Land, there must naturally be the same power in the Crown to punish the Infring-

ers of such Treatys Such Reasoning w'll not prevail here; it might be of service, therefore, to his Majesty, and useful to the quiett of this Country, in undeceiving the Ignorant and convincing the Obstinate, if, when such new cases as this of confiscating Ships and Goods for the breach of a Treaty, w'ch does not at first sight appear to be an Offence against any Statute Law, Your Lo'ps would be pleased to send together his Majesty's Directions, the opinion of some eminent Lawyers on the point, it being certain that tho' a Governor is sincerely convinced that all the Orders he receives from ye Crown are founded on Reason and Justice, yet he acts under a very great disadvantage if he is not able to answer all the impertinent Queries that are put to him on such an occasion.

Immediately upon the Receipt of his Majesty's Order in Council, I issued a proclamation for repealing both ye Indian and Tobacco Laws, but as the Country are almost Generally sensible of the loss of the Tobacco Law, So the Governm't found it Self no less embarrassed by the Repeal of ye Indian Law. The foreign Indians had been brought to so good a Correspondence w'th this Government by the Commerce established between them and the late Company that it was judged dangerous to discontinue that Trade, because of the Jealousys it might naturally create in the minds of that Suspicious people; And the Fort at Christanna has been found so usefull to the Security, both of the Tributarys settled there and of the English Settlements on that Frontier, that the slighting thereof would have proved of ill consequence; besides that, the Indian Hostages being kept there at ye Expence of the late Company, it would have been dangerous either to have sent them back or to have removed them to any other place, where their parents could not so Easily resort to See 'em. Upon these Considerations the Council unanimously Agreed to desire the late Company to continue their Commerce and to keep up the ffort and Garrison till the meeting of an Assembly, w'ch, accordingly, is appointed to be held the 23d of April. What measures they w'll take therein, or in compliance w'th his Maj'ty's Commands, for reimbursing the reasonable Expence of that Company on the publick Service or regulating the Indian Trade, must be left to time. As I have constantly treated the Gentlemen of the Council w'th that freedom and openness w'ch becomes one that has

no other view than promoting his Majesty's Service, nor no other Aim in representing to Your Lords'ps their behaviour than to remove Unreasonable Scruples, I communicated to that Board your Lord'ps' opinion upon the distinctions they make of themselves as Councillors, and as the upper House of Assembly, and upon their refusing their Advice as Councillors in matters of Law, under pretence of their being Judges of the Gen'll Court, it was some surprize to me to find some of those Gentlemen deny the facts untill the particular Instances were quoted and acknowledged by others; but, altho' they had then nothing to Object against what I had represented to Your Lord'ps on both those heads, Yet the common practice of sending partial Representations to Your Lord'ps, whenever they find it necessary to justify themselves by concealing the Truth, gives me ground to suspect that the same persons who have introduced this distinction w'll not rest satisfied in Yo'r Lordships' determination, nor in the Conviction of the Truth of what I have charged them with, but w'll still endeavour by false Glosses to cover over a practice as unjust in its Self as it is prejudicial to the King's Service; And, therefore, if they or their Agent, Mr. Byrd, should deny at Y'r Lords'ps' Board their making any such distinctions as I have mentioned, I beg yo'r Lord'ps w'll be pleased to have Recourse to the Council Journal, June, 1706, upon their advising Colo. Nott to the passing the body of Laws prepared by ye Assembly, and to the Journal of the Council ye 24th of Dec'r, 1714, on occasion of continuing the Act for defence of the Country in times of danger, as a proof of the first of those distinctions; And to the Council Journal of the 25th of Oct'r, 1715, upon a Question put to them, whether there was any Law of this Country directing Justices of the Peace to levy the allowance for ye Burgesses as a proof of the second distinction. There are other instances since to the same purpose, tho' not inserted in the Journals, because I would avoid all new Contests, it being strenuously insisted on that the Council were not bound to enter any reason for their Opinion in the Journals. I send Inclosed the last Acco't of the Revenue of 2s. $\text{\textcircled{P}}$ Hhd., by w'ch your Lord'ps w'll see how the deficiency of that Revenue then stood. As to the other Acco't, mentioned in Yo'r Lord'ps' Letter of the 30th of Aug'st, they shall be transmitted by the next Opportunity, together w'th the particular method the pub-

lick Acco't now and how the same have been audited heretofore. I shall also, by the next safe Conveyance, send home the Old Seal, w'ch, pursu't to his Majesty's Warrant, has been defaced in Council, and shall lay his Maj'ty's Instruction concerning the passing of Laws before ye next Assembly. I have nothing further to add at present, but that I am, with the greatest Respect,

My Lords.

Ma. 7th, 1717 [1718].

To the Lords of Trade:

MY LORDS:

Having already answered, (in mine of the 27th of Feb'ry,) the greater part of your Lord'ps' Letter of the 30th Aug'st last, I come now to treat more particularly of that paragraph thereof w'ch Relates to the State of his Maj'ty's Revenues, and the manner of Auditing thereof. I shall begin w'th that of the Quitt Rents. This Revenue arises by two Shillings Sterling Rec'd upon every hundred Acres of Land Granted by Patent within the Eighteen Countys Lying between No. Carolina and the River Rappahannock, and ye two Countys on the Eastern Shore, the other five Countys being held by the P's. Lady Fairfax as Proprietor, for w'ch there is paid only an acknowledgment of £6, 13. 4. p Ann.

As there are near three millions of acres held immediately of the Crown in Virginia, this Revenue alone, if duly Collected according to the Reserved Rent in the several Patents, would yield a certain Yearly Income of near three thousand pounds, but the Crown having so far Indulged the Planters as to accept Tobacco at one penny p lb. in Lieu of money, it frequently happens, when that Commodity is low, that the same Tobacco w'ch is paid to the King at Eight Shillings and four pence p Ct., Yields his Maj'ty only three Shillings, or half a Crown, and what through the Remissness of the people in paying their Rents, and the frauds and Negligences of the Officers in Collecting the same, many thousands of Acres are held for w'ch no Quitt R'ts at all is paid, as Your Lord'ps w'll Observe, by the State of the Revenue here Inclos'd, marked No. 1.

In this Revenue is also accounted the Compositions for Land found to Escheat to his Majesty for want of heirs of the Grantees. This Composition is Settled by the Charter of Virg'a at two lb. of Tobacco for every Acre, and is meerly casual and Uncertain.

These two Branches of Quitt R'ts and Compositions are not Created by any Acts of Assembly here, but are due to his Maj'ty of Right, as Lord of the Soil, Every Tenant who takes a patent for Land being bound by the Condition of his Grant to pay at the rate of 2s. Sterl., Yearly, for every 100 acres he holds, and every one who sues for a Grant of Escheated Land to pay down 2 lb. of Tobacco for every Acre before he obtains his patent. The first of these might be improved to a much more considerable Revenue than it commonly is, were it possible to persuade People that there is as much Justice Due to the King in the Case of his Rents, as every Subject expects to receive in his own particular case, or were it possible for a Gov'r to Obtain a due Execution of any Regulations he might propose for obtaining a true Rent Roll, but after having struggled for seven Years past to Compass these, I have learned that all measures projected for the Service of the Crown are against the Grain and serve to no other purpose than to gain a Governor the Ill will of the people, while those who are bound to assist him in Supporting the King's Just Rights are more ready to promote disobedience to his orders for the sake of popularity than to meet the favour of their Sovereign by doing their duty. Thus the people have been taught by the Example and Doctrine of their Superiors not to deliver the true Quantity of the Land they hold by Shewing their Deeds to the Officer Collecting their Rents, and notwithstanding the plain words of the Act of Assembly, (w'ch past here in my time,) w'ch makes three Years' non-payment of Quitt R'ts a forfeiture of the Land, the Governing party of the Council, who are also the Judges of the General Court, and the last Resort here in all Cases under £300 Value, after having, by their Emissarys in Assembly, tryed in vain to repeal that Act, have declared their Opinion to be, that it shall not Effect no Lands but such as have been Granted since the passing thereof. By w'ch means that Act is rendered useless w'ch was solely design'd to oblige the people to give up a just Acco't of the Lands they hold, (without any intention of divesting the

Subject of his Freehold, as is falsely suggested,) for an inconsiderable penalty, seeing the Gov'r has it in his power to Grant the Lands ——— to the persons forfeiting the same; and so far are these Gentlemen from favouring the Recovery of the King's Rents, that in their Directions last Nov'r to the Sheriffs for Collecting the Arrears of Q't R'ts, instead of Ordering Distress to be made, as any Landlord has power to do for his Rent, the Sheriffs were only Enjoyn'd to make a Demand, and if the Tenant refused to pay, to Return upon the Rent Roll the Reason Given for such Refusal. There are divers causes of the small Improvement of this Revenue w'ch might be easily Remedied without troubling an Assembly w'th making new Laws for that purpose.

First. Whereas it has been Customary for the Sheriffs to receive the Quitt R't Tobacco at the peoples' Houses, w'ch occasions so much trouble in the Collection as that an allowance of ten, and in some Counties fourteen, ~~3~~ C't. is judged but a reasonable Compensation for the Service, It might be directed that such as would Claim ye Benefit of discharging their Quitt R'ts in Tobacco should be obliged to pay at Certain places convenient in each County, where the Sheriffs might be Ordered to attend and receive it, as this would lessen the trouble of Collection, so it would also lessen the Salary w'ch is now Given for that Service; and being paid in good Tobacco and convenient for Water Carriage, it would be much more Valuable to the purchaser, and consequently yield a better price to the Crown. Such purchaser would then be sure to Receive good Tobacco, and to have the whole Q'tt R't Tobacco of a County at two or three convenient places at the most; whereas, now whoever buys that Tobacco is not only Obligated to Receive it at many different places, but perhaps in such species as is scarce Merchantable. How much the Value of the Quitt R'ts would be increased by such a Regulation is demonstrable from the price that Tobacco afforded during the continuance of the Act for preventing frauds in Tobacco paym'ts, when it was paid at the Agent's Storehouses. But however Reasonable such a Regulation may appear, w'th Respect to the Planter, who has his choice either to pay in Tobacco or money, or however profitable it may prove to the Crown, it is in vain to attempt it while his Majesty has such a Council here as will be sure either openly to oppose it as an Innovacon, or

secretly to diswade the people from complying therewith. Another Cause of the small Improvement of this Revenue arises from a want of due care in the Collection; ye Sheriffs being the persons to whom the Collections is entrusted, and they again trusting to their under Sheriffs, men generally of small Fortunes, and oftentimes of indifferent Characters, it has lately appeared that great Abuses have been committed, and considerable Sums paid by the People w^{ch} have never been accounted for to the Revenue. These Sheriffs being chang'd every two years, and no Rent Roll given to the Succeeding Sheriff to Guide him in his Collection, every new Officer must necessarily be at a Loss to know what Lands are held in his County. To remedy these Inconveniencys I have proposed it as my Opinion to putt the Collection of the Q^{tt} R^{ts} into the hands of settled Officers, such as the Surveyors of the Countys, who, as they hold their places during their good behaviour, have likewise an Opportunity. by the frequent Employment of surveying and Laying out the Bounds of Lands, to be informed of the Quantity w^{ch} every one holds; but this Method is also Disliked upon two Accounts very extraordinary, first, because it would Introduce a Greater Exactness than is consistent wth the popular Notions of Liberty, and, secondly, because it would Create so great a Dependance of these Officers on the Government. The power of w^{ch} the present Set of Politicians here are Resolved, by all means, to lessen. A Third Cause of Lessening the Value of the Quitt R^{ts} has been the not keeping Regular Acco^{ts} of the Arrears, by w^{ch} means those Arrears have lain over many years without ever so much as being Demanded. Your Lordships may remember that one part of my Charge against the late Auditor was for not keeping such Books of Acco^{ts}, and for neglecting to Demand those Arrears; but not to revive anything of that Dispute, let it Suffice to tell your Lord^{ps} that the whole Q^{tt} R^{ts} retained on Arrear During the time of the late Officers of the Revenue, have never been Demanded till this last year, and now many of the people charged therewith pretend, at least some make it appear, that they have actually paid the same, w^{ch} might have been discovered in time had those Arrears been Given out from time to time, to be Demanded while the persons Receiving the same were alive. But not to trouble Your Lords^{ps} any further with Schemes for the improvement

of this Revenue, w^{ch}, however Just and necessary, can never be effected by the Single Endeavours of a Governor, without a suitable disposition of his Council to co-operate wth him. I shall dismiss this Article of the Q^t Rents wth this sole Remark, That if, according to my proposal, the Tobacco were paid at convenient places, and care taken to receive none but what should be good and Merchantable, his Maj^{ty} would rarely have less, even in the worst times, and in Gen^{ll} a great deal more, for his Tobacco than the rate of a penny p pound, at w^{ch} it is paid by the people, and consequently would be no loser by the favour he allows them of paying Tobacco in lieu of money.

The other Revenue, pay^{ble} to his Maj^{ty}, is that w^{ch} is raised by Act of Assembly and appropriated to the support of the Government. This Revenue consists of several Branches: 1st, a Duty of 2s. on every hhd. or Barrell of Tobacco exported, except on Ships or Vessells solely owned by the Inhabitants of Virginia; 2d, a Duty of 15d. p Ton on all Ships or Vess^{ls} Trading here, except as above; 3rdly, a Duty of 6d. p head on every person imported into this Colony; 4th, Fines imposed for ye breach of some penal Laws of this Colony, w^{ch} are some in money and some in Tobacco, and forfeitures for non-payment of the Dutys on Liquors and Slaves, of w^{ch} one 3^d thereof falls to the King; And, lastly, 5s. paid for his Majesty's use for the R^t of taking up 50 Acres of his Maj^{ty}'s Land, where the taker up has not a R^t by Importation. This was first established in the year 1699, when there was a greater demand for Land than the Rights allowed by the Charter for persons imported would answer, and has since proved a good Expedient to encrease the Revenue and to render the taking up of Land more easy to the people. Thus Your Lordships may observe that the sev^l Branches of this Revenue are meerly casual, and depend chiefly upon ye Quantity of Tobacco exported, the increase or decrease of Shipping employed therein, and the Demand there is for Treasury Rights for the taking up new Land. The improvement of the two first and principal branches of this Revenue depends very little upon any means to be used here, Since it is only the price of Tobacco in the Market at home that can encourage the Planters to make greater Quantitys for Exportation, and as people gain by the product of their Labour to purchase more Servants or Slaves, they will naturally be led into the humour

of taking up more Land to Work upon. During the late War the price of Tobacco fell so low that many had left off planting altogether, and applyed themselves to other Manufactures, thus, by taking off abundance of hands from making Tobacco, the Quantity became so much lessened that the Revenue arising thereby fell very much in Debt, w^{ch} is not yet quite recovered, tho' that Debt be considerable decreased; and if his Maj^{ty} will be graciously pleased to appoint the present deficiency of this Revenue to be supplied out of the Ball^{ce} of the Q^{tt} R^{'ts}, there is no doubt but that it might very well Support all the Charge of the Government hereafter, unless some Such Accident should again intervene to discourage ye Planters from making Tobacco. But, in Order to lessen the Annual Charge on this Revenue, I humbly propose no further Allowance be given for the Judges of the Court of Oyer and Terminer, For I am sensible it is to this mistaken Generosity of the Crown that the Council's pretensions of being the Sole Judges of those Courts on their Birth. Counsellors before that have contentedly Sitt wth comon Justices of the Peace on Commissions of Oyer and Terminer, but no sooner was there money to be shared than the sole power of Judicature was Claimed as the best way to secure the sole profite. Wherefore, for removing this bone of Contention and for easing the Revenue of a Burden, I make it my humble Request to Your Lord^{'ps} That you will be pleased to move his Maj^{ty} to Alter that Instruction, whereby the £100 for each Court is allowed. As to ye annual Produce of the several Branches of this Revenue, and the Establishment of the constant and Regular Expence of the Government, I beg leave to refer Your Lord^{'ps} to the Inclosed Paper, No. 2, and shall add no further on this head than to inform Your Lord^{'ps}, as I have Reformed many abuses in the Importation Rights, and brought the Issuing of Acco^{'ts} for the Treasury Rights into a more Regular Method, so I have obtained at last the Acco^{'ts} of the several Branches of this Revenue to be kept in books, whereby any frauds in the Collection of or Accounting for the same may be better detected. The manner of Auditing the Acco^{'ts} of both these Revenues are now different from the former practice; For whereas heretofore the Auditor alone had the Inspection of the Rent Rolls of the Quitt Rents, and the Collector's Accounts of the 2s. ³/₄ hhd., &c., and the Receiver Gen^{ll}, (tho' he was the only person

sworn to ye truth of the Gen'll Acco't,) had no further knowledge of the Receipts thereof than what the Auditor certified to be due upon ye Balla. I have now Directed such particular Acco'ts to be first Examin'd and Attested by the Auditor, then sent to the Rec'r Gen'll to be Examin'd by him also, and transcrib'd into his Books, and afterwards returned to the Auditor and Lodged in his Office. The money arising by the Sale of the Treasury R'ts was heretofore directly paid into the Rec'r Gen'l. He iss'd them at any time or place where he could be met with. He was not restrained to any certain Number, nor had the Auditor any other Control over him than to take his Oath to what he had Rec'd, so that if the Rec'r Gen'll forgott or omitted to Set down in his books any of the R'ts he issued, whatever became then lost to his memory could not be recovered by his Oath to the Revenue; A Method so loose that I could not but apprehend it lyable to many inconveniences, And therefore I thought necessary to regulate it in this manner: The Numbers of Rents to be made out is to be directed by the Governor; They are signed by both officers of the Revenue, and the Numbers entered in ye Rec'r Gen'l's Books; when they are disposed of, the Species of Money paid for the same is set down over against the said Numbers, And each Audit the Rec'r Gen'll must produce what R'ts are undisposed of, and must be accountable for what he cant thus produce.

Thus the Auditor has a sufficient Controul on the Rec'r Gen'll and the Gov'r, a check upon both, since no new R'ts never be issued till Credit is given to the Revenue for what was before made out. And that it is necessary to make this Regulation, appears in this, that upon calling in the old Treas'y Rents some hundred's Are restored more than have been accounted for, tho' the whole be not yet come in, I can't determine w'ch of the Rec'r Gen'lls are in fault, only that there has been no other person concerned therein, except Mr. Byrd and his Father. The Gen'l Acco'ts of those Revenues are thus audited. The Rec'r Gen'll having prepared his accounts of the Charge and discharge of each Revenue, in books Set apart for that purpose, Carrys the same to the Auditor who Examines and Compares each Article of the Charge w'th the Vouchers remaining in his Office, and of the discharge w'th the Warrants issued for ye sev'll paym'ts, and finding the same to Agree; Writes and Signs his Certificate on the foot of

each Acco't in the Rec'r's Books; This done, the Rec'r Gen'll brings his Books, thus Attested, before the Governor in Council, and makes oath to the truth of the said Accounts, w'ch Oath is also Certifyed by the Governor in the said Books. Tho' the Method of keeping and Auditing ye Acco'ts in books be new and occasions some more trouble to the Officers, I hope it will not be disapproved of by your Lord'ps, since it makes those Officers a greater Check upon one another than they could possibly have been whilst one Examined all ye R'ts and the other swore to the truth thereof without being privy to such Examination.

February ye 14th, 1718 [1719.]

*To my Lord Cartwright:*¹²

MY LORD:

The Neighborhood of your Lordship's Province of Carolina has afforded me divers opportunitys during my Ad-

¹² John, Lord Carteret, grandson of Sir George Carteret, one of the eight Lords Proprietors of North and South Carolina, was born April 22, 1691; entered the House of Lords, May 25, 1711; appointed a Lord of the Bed chamber on the accession of George I; appointed, Jan. 25, 1719, Ambassador to Sweden, he secured peace between Sweden, Prussia, Hanover and Denmark, and freedom for British commerce in the Baltic; succeeded James Craggs, Jr., deceased, as Secretary of State, March 4, 1721, and was also sworn one of the Privy Council; a Lord Justice, May 26, 1723; April 3, 1724, Lord Lieutenant of Ireland, and was succeeded as Secretary of State by the Duke of Newcastle; May 31, 1727, again a Lord Justice; succeeded as Lord Lieutenant of Ireland by the Duke of Dorset, June 19, 1730; Feb. 12, 1742, again Secretary of State; his mother, the Countess of Granville, dying Oct. 18, 1744, he succeeded to the titles of Viscount Carteret and Earl Granville; Nov. 24 following, resigning as Secretary of State, he was succeeded by the Earl of Harrington; reappointed Feb. 10, 1746, but resigned on the 14th of the same month; President of the Privy Council in 1751; married, first, Oct. 17, 1710, Frances, only daughter of Sir Robert Worsley, Bar't, and, secondly, Lady Sophia Fermor, daughter of Thomas, Earl of Pomfret. Earl Granville died Jan. 2, 1763, and was succeeded by his eldest son by his first marriage, Robert, third Lord Carteret and second Earl Granville, who dying without issue in 1776, the titles became extinct, but the Barony of Carteret was recreated in 1784 (revert to issue of Lady Louisa Carteret, second daughter of John, first Earl Granville).

ministration here of Testifying my Regard to the Interest of the Hon'ble Proprietors and the Relief of the People, as well during the Civil Commotions in the one as the Indian War, wherein both has been successfully engaged. As I cannot be unconcerned when any Dangers Threaten the King's Subjects in that Neighbourhood, I hope the part I have lately acted in Rescuing the Trade of North Carolina from the Insults of Pyrates upon the Earnest Solicitations of the Inhabitants there, will not be unacceptable to Your Lords'p, and it is more necessary I should give Your Lord'p a true Relation of that matter, because I perceive some of your Officers in that Governm't inclinable to misrepresent it as an Invasion of the Rights of the Proprietors. Your Lord'p will, therefore, be pleased to know That about the beginning of last June, one Capt. Thatch," a Notorious Pyrate, refused to accept of his Majesty's pardon offered him by the Governor of South Carolina about eight days before he Lost his Ship at Topsall Inlett, with one of the four Sloops he had in his Company, upon w'ch he and his Crew pretended to Surrender to the Governor of No. Carolina, most of his People dispersed, some going towards Pensilvania and New York, and others betaking themselves to their former Villanies, under the Command of Major Bonnet Thatch, w'th about 20 more, remained in No. Carolina, and kept one of the Sloops, pretending to Employ themselves in Trade, but both their discourses and Actions plainly show'd the wickedness of their Designs. The Inclosed Affidavit of one of the Inhabitants of that Province, and M'r of a Vessell there, will best display Thatch's insolent behaviour, and how little sensible that Abandoned Crew were of the Clemency they had received. Upon the repeated Applications of Trading People of that Province, and the Advice that Tach had taken and brought in hither a Ship Laden w'th Sugar and Cocoa without either men or Papers, I thought it necessary to put a Stop to ye further Progress of the Robberys, and for that purpose, having prevailed with our Assembly to give considerable Rewards for the Apprehending and destroying of these and other Pirates I hired two Sloops, furnished them w'th Pilotts from Carolina, concerted w'th the Capt's of his Maj'ty's Ships

¹⁶This name now accepted as Teach, is variously rendered in these papers as well as in the Archives of Virginia. The correct name may have been Tache.

on this Station the proper Measures for extirpating that Gang of Pyrates. These Sloops, fitted with Men and Officers from the King's Ships, Came up with Tach at Oecceh inlett on ye 22nd Nov'r last, and after an obstinate Resistance, wherein Tach, w'th nine of his men, were killed, and nine more made prisoners, and took his Sloop, w'ch was mounted w'th 8 Guns, and in all other respects fitted rather for piracy than Trade. The Prisoners have been brought hither and Tryed, and it plainly appears that the Ship they brought into Carolina was, after the date of his Majesty's pardon, taken from the Subjects of France upon the high Seas, near the Island of Bermuda, and the Men put on Board another ship of the same Nation taken at the same time, and was not a Wreck, as Tach persuaded the Governm't of your Lord'p's Province to believe.

Now, my Lord, it seems to be taken very much amiss that this Project of Suppressing the Pyrates should have been concealed and put in Execution without the participation of your Lordship's Gov'r, and, in the next place, that the Goods w'ch Tach had Piratically taken should be brought into this Colony to be condemned. To the first of these I beg Leave to Answer That your Gov'r living very remote from hence, in a Place thinly Populated, and where these Pyrates had their chief resort, I considered that should ye Design Miscarry, your Gov'r must have been more exposed to their Revenge for being lett into that Secret ; That he was there without force to defend himself, and consequently could contribute nothing to the Success of the Design, and, besides, the business required such Secresy, that I did not so much as communicate to His Maj'ty's Council here, nor to any other Person but those who were necessarily to be employed in the Execution, least among the many favourers of Pyrates we have in these Parts some of them might send Intelligence to Tach. To the second, as I gave no directions for the seizure of any Goods upon your Lo'p's Soil, so I have taken care that the whole Effects brought from thence be duly Inventory'd and secured, and that no Decree shall pass here until your Lord'p's Deputys be heard, for which purpose Notice is sent to Carolina of the time of holding the Court of Admiralty, and I am Confident from the understanding and honesty of the Judge of that Court that your Lord'p and the other Hon'ble Proprietors w'll receive as much Justice as if the Tryal had been in

your own Province. As I am also well assured that if you have a Right to any of these Goods you w'll be considerable Gainers by their Importation and Sale here, where there are many more purchasers for such Commodities than in Carolina, and I may say without Reflection much better Payment, but it is not improbable the True Owners may yet put in their Claim, w'ch w'll put an end to that dispute and to all pretensions, except for the Salvage, and I believe your Lords'p is too Generous to ask from the men who ventured their Lives to Rescue it from the Pirates, considering the Expence of Blood it cost, there being no less than 12 Killed and 22 Wounded of the King's Men that went on this Service.

This, my Lord, is a true Acco't of the late Action in y'r Lords'p's Province, w'ch, however, it may be represented through the mistaken Notions or Passions of some men, I hope your Lords'p w'll find nothing in my Conduct therein derogatory to the Honour of y'r Government, or your Lo'p's Interest. If the necessity of preventing the Growth of so dangerous a Nest of Pyrates in the very road of the Trade of Virginia and Maryland, as well as of your Lords'p's Province, and the secrecy to w'ch I was obliged for the Effectual Carrying on this Service has forced Me to pass over some forms w'th Your Government, I hope Success may atone for that Omission, and I doubt not your Lords'p w'll prefer the benefit of so many of the King's Subjects, (w'ch must otherwise have been exposed to the Rapine of these Pyrates,) to the present Resentments of a few discontented Men, as I shall always prefer to all the Applause or Obloquy such Men can give, ye Satisfacon of being, as I truly am, w'th the greatest respect.

June 24th, 1718.

To the Board of Trade:

MY LORDS:

The Gen'll Assembly, w'ch I have now on foot here, being at their own desire under a pretty long Adjournment, I take this Opportunity to lay before your Lord'ps a Brief

Account of some of their Extraordinary proceedings, because the Journals cannot be compleated 'till the determination of the Session, &c. I hope the trouble I now give You w'll ease Your Lord'ps of a great part of what You might receive upon transmitting the whole proceedings together.

It is necessary for the better Understanding the Temper of the present House of Burgesses to give Your Lo'ps a view of the Arts by w'ch they were chosen. No sooner was the Resolution taken to call an Assembly upon what his Maj'ty was pleas'd to recommend in relation to the Regulating the Indian Trade, the making provision for the Defence of the Frontiers, And the reimbursing the Charge of the Indian Compa., than the discontented party very assiduously applyed themselves to instill a belief into the people that great Sums would be required of them for this purpose, and that they would be entirely ruin'd if they Chose for their Burg's's any one who had an affection to ye Governor. A specimen of the Reasoning and good manners of the Party Yo'r Lo'ps may find in the Inclosed paper, marked No. 4, pen'd, (as is credibly reported,) by a Member of the Council, and dispersed w'th great Industry through most Countys in ye Colony to poyson the minds of the populace.

To encrease the disaffection towards the friends of ye Governm't, great care was also taken to possess the people w'th a partial Acco't of the late Dispute about the Courts of Oyer and Terminer, to represent to them that great Infraction of their Charter, and the dangerous Consequences of allowing the Gov'r a power of nominating Judges to Try Men for their Lives, a Paper was Drawn up in the nature of a Grievance ag'st these Courts, and sent all over the Country to be Signed by the People, and in Order to make this go down the better, some other popular Propositions were coupled w'th it, such as the ascertaining Officers' ffees by Law. This being what every one desired to see regulated, but this Train would not take, the people generally refusing to concern themselves therein, and choosing rather to drop the Article of ye Officers' fees than Sign to that w'ch they knew to be only calculated to Enlarge the power of a party in the Council. So that the Grievance of the Oyer and Terminer Judges came only recommended from two Countys, and was Sign'd in one but by 18 and in the other by no more than 11, and all very obscure fellows.

However, having by great Industry, and the practices usual in Elections, got many of their Relations, and some others of weak Understandings and credulous Tempers chosen for Burgesses, upon the meeting of the Assembly, there appeared a Majority of the Party, and that Yo'r Lo'ps may see what the State of the Country then was and what was expected of the Assembly on that occasion, I have here Inclosed, No. 1, my Speech at the Opening of the Assembly. The flourishing Condition of the Trade and Manufactures, The peace and Tranquility of the Colony, and the Riches of the publick Treasury there described, are all acknowledged, (tho', indeed, in an awkward manner,) by the Burgesses in their Address, No. 2, because neither could be denyed; And I hope Yo'r Lo'ps, by perusal of those two papers, w'll judge that I have in some measure Answered the end on my Mission here, w'ch, from a State of the greatest poverty, a Gen'll decay of all his Maj'ty's Revenue, a continual Dread of Indian Enemy's, and a Want of means to defend its Self, This Country has, under my Administration, arrived at that flourishing State it now enjoys in all ye branches of its Trade, and a Bank of no less than 14 or £15,000 in its Treasury, after all the publick Debts are paid.

The first remarkable Step the Assembly proceeded in was a Resolve to Address the King to revoke the late Instruction prohibiting the passing of Laws w'ch affect the Trade and Shipping of Great Britain, to w'ch they added another Clause complaining of the Power given to the Governor to Nominate the Judges of the Oyer and Terminer Courts, and therein praying that the Council may be the sole Judges of life and Death, a Copy of w'ch Address is inclosed, No. 3.

To sollicite this Address, they thought fitt to have a particular Agent, and to this purpose prepared a Bill whereby the Burgesses were of themselves impowered to name, (barely by a Resolve of their House,) any person to be their Agent; by the like Resolve Change him and put in another, and by the same power to pay such Agents what sums they thought fitt, without any Concurrence of the Governor or Council. This power, tho' strenuously contended for by such of the Council who sett the Burgesses to work, was, nevertheless, so ill relished by the soberer men of the same party, and so exclaimed against by the other Gent'n of

the Council who are not in their Interest, that it was at last thrown out in the Council, And soon after a Vote passed in ye Burg's's' House appointing Mr. Byrd their Agent, and assuring him of a suitable gratification for his trouble, And a Select Com'ittee appointed to prepare Instructions for him, a Copy of w'ch, as they passed the House, I here send, No. 4. By w'ch Yo'r Lord'ps w'll perceive what mighty occasion they have for throwing away the Country's Money upon such an Agent when they have so little Business for him to Regulate, and when they were told that the transmitting Addresses to the Sovereign by any other manner than through the hands of the Gov'r had been disapproved by the late Queen upon a * * * from the Lord'ps' Board, in a Case wherein the very Gent. was Employed as * * * in 1702. But the truth is, the main Arm of Constituting An Agent was disappointed by the Miscarriages of their Bill, w'ch would have enabled that party, (if they were so weak as to imagine I would pass it,) to dispose of every farthing of the publick Money at their pleasure and to their Friends, for by the same power of making and Gratifying Agents by the Resolve of their House, they might, from time to time, have Nominated one another, and given what Sums they thought fitt for no Services at all. That this is no unreasonable Conjecture, w'll appear from another Step taken after their Agent's Bill Miscarried. A Bill was prepared by the Burg's's and sent up to ye Council and passed there, whereby £4,000 of the publick money was Ordered to be put into the hands of Mr. Arch'd Blair, under pretence of intrusting him to put it out at Interest for 4 ^l C't ^l Annum, of w'ch he was to be Allowed one-half for his trouble, but w'th this express Condition, that if he did not Lend it he should pay no Interest at all. This Gent., now a Member of the House of Burgesses, is brother to Mr. Com'ry Blair, one of the Council, and they are in Partnership with Colo. Ludwell and are concerned in one of the most considerable Trading Stores in this Country, And as this money, being once placed in his hands by Act of Assembly, could not have been called out of his hands but by the same authority, and as there is in the Council a great Majority of the Relations of those Gent'n, should they have refused their Concurrence to the recalling that money,

it must remain in his hands without any interest to the Country as long as they pleas'd, And for this Reason I have Resolved to reject that Bill.

Having thus far given Your Lo'ps a Summary of proceedings in relation to party interest, I shall next show what Attempts have been made this Session on the prerogative and Interest of the Crown. I have already observed that the ascertaining and regulating fees by divers publick Officers was generally desired by the Country, because the former Laws being expired, gave too great a Liberty for Exaction. This being, therefore, a very popular Act, it was believed a Gov'r would not so far disoblige the Country as to reject it, And upon this view, the Party who have always their Eyes very quick to watch all Advantages for lessening the power of the Crown, tack'd to this Bill for ascertaining the Secretary's and County Clerk's fees; the Clause whereby w'ch the King has thought fitt to give the Secretary of placing and displacing ye County Clerks. These Clerks were, (according to their Scheme,) to hold their places during the pleasure of the Justices of their respective Courts, who might suspend them and put in others in their Room, saving only that the suspended Clerk had an Appeal to the Gen'll Court, and tho' he might be restored by that Court he was to have none of the profits during ye Suspension. This Bill, thus prepared, being sent up to the Council, it was Surprizing to find so many Advocates for it among Men sworn to defend the Rights of the Crown, And this Extraordinary Argument used for passing it: That County Court Clerks being often chosen Burgesses, it gave a Governor too great an interest in that House over persons who held their places during the pleasure of an Officer of the King's Appointment immediately, and that, therefore, it was necessary Thus, for their Independence on other Matters,—an Argum't worthy of ye King's Council, to deprive his Maj'ty of the Service of all of those who had any Obligation to promote his Interest, and as ye same in effect as was * * * at last Assembly for excluding all Officers out of the House of Burgesses. But tho' by this Clause in the Bill they would thus abridge the power of the Crown, they hoped to draw a greater dependance on themselves as Judges of the Gen'll Court, since who had the misfortune to be Suspended by a prevailing Party in his County Court must

on his * * * * to the present sett of Councillors, And consequently must have a greater dependance for keeping his Office than on the Gov'r or Secretary, who first gave it him. But I having very plainly declared that unless that Clause were struck out I would not pass the Bill, and that they must be answerable for hind'ring the Redress of the Country's only Grievance, they thought fitt at last to leave out that part, and so the Bill is passed, to the great Satisfaction of the whole Country; for it is remarkable that they who were earnest for regulating the Officers' Fees never made the least mention in any of their Grievances of altering the power of appointing the Clerks. Some time last Fall the Post M'r Gen'll of America, having thought himself Obligated to endeavour the Settling a post through Virginia and Maryland, in ye same manner as they are Settled in the other Northern Plantations, pursu't to the Act of Parliament of the 9th of Queen Anne, gave out Commissions for that purpose, and a post was accordingly established once a fortnight from W'msburg to Philadelphia, and for the Conveyance of Letters bro't hither by Sea through the several Countys. In order to this; the Post M'r Set up printed Placards, (such as were sent in by the Post M'r Gen'll of Great Britain,) at all the Posts, requiring the delivery of all Letters not excepted by the Act of Parliament to be delivered to his Deputys there. No sooner was this noised about but a great Clamour was raised against it. The people were made to believe that the Parl't could not Levy any Tax, (for so they call ye Rates of Postage,) here without the Consent of the General Assembly. That, besides, all their Laws were exempted, because scarce any came in here but what some way or other concern'd Trade; That tho' M'rs should, for the reward of a penny a Letter, deliver them, the Post M'r could Demand no Postage for the Conveyance of them, and abundance more to the same purpose, as ridiculous as Arrogant. This gave a Handle for framing some Grievances to the Assembly against this new Office; And, thereupon, a Bill is prepared and passed both Council and Burg's's, w'ch, tho' it acknowledges the Act of Parliam't to be in force here, does effectually prevent its being ever put in Execution. The first Clause of that Bill Imposes an Obligation on the Post Master to w'ch he is no ways liable by the Act of Parliament. The second Clause lays a penalty of no less than £5 for every Letter he de-

mands or takes from a Board any Ships that stand Decreed to be excepted by the Act of Parliament; and the last Clause appoints ye Stages and the time of Conveyance of all Letters under an Extravagant Penalty. As it is impossible for the Post Master to know whether the Letters he receives be excepted or not, and y't, according to the Interpreters, Our Judges of the Act of Parl't, all Letters sent from any Merch't, whether the same relate to Merchandize on board or not, are within the exception of the Law, the Post M'r must meddle w'th no Letters at all, or run the hazard of being ruin'd. And the last Clause, besides its Contradiction to the Act of Parliament in applying the Stages, w'ch is expressly Bestowed to the Post Master according to the Instruction of the Sovereign, is so great an impossibility to be complied w'th that, considering the difficulty of passing the many gr't Rivers, the Post M'r must be liable to the penalty of 20s. for every Letter he takes into his care during the whole Season of the Winter. From whence Yo'r Lop's may judge how well affected the Major part of Our Assembly men are towards ye Collecting this Branch of the King's Revenue, and w'll therefore be pleas'd to Acquitt me of any Censure of Refusing Assent to such a Bill.¹⁸

To demonstrate further the inclination of these Gent'n towards the King's prerogative:—A Bill being brought in for altering the Days of holding the Court of Northampton County on the 3d reading was thrown out, purely because there was in it saving a Right to the King to alter the said Court Days upon the application of the Justices to the Gov'r—the same Salvo had been insisted in other Bills of the nature past since my Administration, and it's very remarkable that the Burg's read this bill twice and had it Engrossed without objecting against this Salvo by the Members who spoke thereof. At last it came to be discovered they had Acted contrary to the Sentiments of their Directors in the Council.

His Majesty's Recommendation of the Indian Company's Expences on the publick Service of this Government has mett w'th the regard w'ch might be expected from men of such principles as compose the leading party in both Houses. The build-

¹⁸The Act does not appear in *Hening*, but there are two imperfect MS. copies of it in the Archives of the Virginia Historical Society.

ing the Indian School, the maintaining the Guard at Christanna, and all ye charge of repairing that ffort, tho' carefully enjoined by ye Act of Assembly to be performed by the said late Com-p'ny, are now voted of no Service to the Country, And the Charge expended thereon refused to be paid. The first instance perhaps in his Maj'ty's Dominions where any person has been Obligated by Law to perform a Service for the publick in expectation of a Benefitt, and that Benefitt taken away without any Compensation for what is laid out in the purchase of it. And to render the whole proceedings of a piece, the Indian Hostages taken for ye securing the peace of the Colony are Ordered to be sent back, the Indian Trade Voted to want no Regulation, the ffort Built for ye defence of that Frontier Resolved to be slighted, The Tributary Indians who, in Compliance of a Treaty, removed from a place of Safety to that ffort, to serve as a Barrier to the Inhabitants, are voted to be entitled to no other protection than the other Tributarys, (who refused to perform their Engagements,) and that for this extraordinary Reason, expressed in their votes, because they were the only Nation of Tributarys who have complied w'th their Treaty.

Thus, My Lords, by the prevalence of a party, and by their Assiduity in debauching the minds of weak, inconsiderate Men, all the Measures w'ch have been projected for the Defence of the Country are now overturned, tho' entered upon w'th the Unanimous Concurrence of the Council and the approbation of former Assemblies; The Christianizing the Indians, w'ch was in so fair a way of being compassed, defeated; The King's Authority encroached on, his Interest thwarted and opposed, His Recommendation slighted, and common Justice denied to those who have laid out their Estates for the public Service of the Government and on the public Faith. And after all this undutiful behaviour to their Sovereign, and neglect of the Real Interest of their Country, it will be no Surprize to find a Parralel usage of his Maj'ty's Governor. When your Lord'ps peruse my Speech and Messages, I am perswaded you will not find therein anything that might give occasion to treat me with rudeness, but it having been of no use to the same Party to give unreasonable Provocations to former Gov'rs, and then to complain of any Resentment in Reward thereof; The like means has been tryed w'th me, but without the Effect they expected. I w'll not enter into

the detail of the undecent behaviour of the Burg's, such as their rude Speeches in the House, in so much that some of the Members have thought themselves Obligated to call out for good manners; their Sending their Addresses and Messages by such Members as had showed themselves most notorious in opposing the King's Interest, and for their Rudeness and abusive Speeches and their Addressing me to lay before them an Acco't of my Journeys for the publick Service of ye Gov't, and their making a doubt whether any of them were of Service, tho' plainly set forth to them to have been all Undertaken by the Advice and at the desire of the Council, and many of them in pursuance of the Acts and Resolutions of former Assemblys. As I know all these Steps were contrived to provoke me to a return of the like Treatment, I have disappointed them by showing an unconcern at all the little affronts they have offered. But I cannot think my Self excusable should I forbear to let your Lord'ps know from what Fountain these Streams of disaffection proceed. The Eight Counsellors who troubled Yo'r Lo'ps with a Remonstrance against the Courts of Oyer and Terminer are ye very P'sons who infuse into the people Jealousys of his Majesty's Prerogative, and of Designs against their Libertys, who influence the Burg's to encroach upon his Maj'ty's Rights to oppose his Service, and to slight whatever comes Recommended from the Crown to distress the Government by obstructing all Measures for the publick Safety and to traduce ye Gov'r as a publick Enemy to the Country, and by that Means aim at keeping up misunderstandings, w'ch otherwise would be soon removed and dissipated. I appeal to yo'r Lo'ps whether any of the Measures I have put in execution here for the King's Service, the Advance of the Revenue or the Safety of the Gov't has ever been faulted by Yo'r Lo'ps as unrighteous to the People of this Country; on the contrary, Your Lordships have done me the hon'r as to signify your Approbation of Most of them, and yet these are the Grounds of these Gentlemen's uneasiness. A Gov'r cannot contrive a surer way of gaining their disfavour than by strictly pursuing his Duty and faithfully discharging his Trust. Your Lo'ps' Determination about the Disputes of the Courts of Oyer and Terminer remains deeply rooted in their minds, and they have publicly declared at the Council Board that tho' they could not help asquiescing therein, they were not convinced of

the Legality of that Decision. Their behaviour towards me ever since has been far from owning themselves in the wrong in that Controversy. When the minds of some of the Council, heedlessly drawn into that dispute, began to waver on seeing their pretensions condemned, and were thereupon willing to return to a good Correspondence wth me, Mr. Blair and Mr. Ludwell, the Chief Engines of Faction, found it necessary to keep up their Spirits by a new Invention, craftily insinuating, from a Paragraph of yo^r Lo^p's Letter of the 30th of August relating to the Councils giving different Opinions as Counsellors and as Members of the Upper House of Assembly, That I had endeavored to persuade your Lord^{ps} to take away the Counsellors' votes in the passing of Laws, An Accusation w^{ch} I am sure yo^r Lord^{ps} will absolve me from. This, however false, has kept the Eight Closely United, insomuch as my Condescention to everything they could reasonably desire in Order to a perfect Reconciliation of all Differences. An Invitation to my House after this Reconciliation was slighted by them, and an Entertainment, wth all the freedom and Civility I could give, has not prevail'd with one of the Eight to make me ye common compliment of a Visit, Nay, when in Order to the Solemnizing his Maj^{ty}'s Birth-day,⁷⁸ I gave a publick Entertainment at my House, all Gentⁿ that would come were Admitted ; These Eight Counsellors would neither come to my House nor go to the Play w^{ch} was Acted on that occasion, but got together all the Turbulent and disaffected Burg's's, had an Entertainment of their own in the Burg's House and invited all ye Mobb to a Bonfire, where they were plentifully Supplied with Liquors to Drink the same healths without, as their M^{rs} did within, w^{ch} were chiefly those of the Council and their Associated Burg's, without taking any Notice of the Gov^r, than if there had been none upon the place. And as the whole proceedings of this Assembly have been dictated by the Council, and most of the Extraordinary Resolves and Messages of the Burg's penned by some of that Board, I hope your Lo^{ps} will not be offended if I beg you will be pleased to use y^r Interest wth his Majesty to assign a Council to assist his Governor in carrying on the publick Service, since the greater part of

⁷⁸ George I, was born May 28, 1660.

those he has are become the Advisers of the People to oppose his Maj't's Interest. If men who use their Offices ag'st their Duty were once divested of the power they enjoy by His Maj'ty's favour, and w'ch they Employ to do Evil, Virginia would soon be a Quiet and peaceable Country and no Complaints from hence. This may be Exemplified by the late removal of some Turbulent Counsellors in New York and the Jerseys, w'ch has rendered y't Gov't easy and Obedient ever since. But in vain w'll his Maj'ty change Governors to silence Fractious Clamours in his Plantations, while those who first raise them retain the same power to revive them again whenever they find it necessary to gratify their passions or Interests. In this Country the Clamours and Complaints of this very Family who now Compose the Majority of the Council, have succeeded so well as to remove two Gov'rs already, while they themselves have kept their places. So that their Offices begin to be lookt upon as for Life, from w'ch no Misdemeanour is capable of removing them.

This gives them great Authority among the people whose Laws and Estates depend upon their Judgm't, and makes other Gent'n either cool in assisting ye Governm't, when they see men continued in the post of Counsellors to his Majesty, who deserve it so little, or to Judge that if preferment be the Reward of Opposing Government, they ought to pursue the same steps to arrive at the same Honour. It is now time to ask Yo'r Lord'ps' pardon for ye Length of this Letter, and I hope Yo'r Lord'ps will have ye goodness to grant it when you consider the importance of ye Subject. I was willing to account to yo'r Lo'ps how it comes to pass that a people under all the affluence of prosperity can be seduced to discontent and Uneasiness. Why the same men that profess the greatest Loyalty to his Maj'ty's person may be prevailed on to Diminution of his power, and act in opposition to his Services and defraud him of his Just Rights ; How the Representatives of a Country, having a larger Stock of money in its Treasury than ever it had before and no Visible use for it, can be not only diverted from common Justice to their fellow Subjects, and that even upon the powerful Recommendation of their Sovereign, but refuse to employ an inconsiderable part of that useless Treasure towards the Defence of their Country, And when y'r Lord'ps have considered the secret Springs of these unaccountable Doings, I hope You w'll think ye removing the Cause of

all these Evils, and the Settling his Majesty's Authority on a Solid Basis, a Work worthy Yo'r attention. I shall conclude this Letter w'th Declaring my Dissent to ye part of the Burg's Address to His Maj'ty, w'ch Petitions for a Revocation of the Instruction restraining the passing Law; for, according to the present Disposition of the People of these Plantations, the Continuance of that Instruction seems to me very necessary, to Guard a Gov'r ag't the Importunate Solicitations of Plantation Assemblys in many matters not fitt to be Granted them; for my own part, I could wish the passing of Laws were more restrained, for I am perswaded the present Council here would gladly lay hold of any Oppertunity to promote popular Bills, to traduce me among the people if I refused my Assent without Express Authority for my so doing.

My Lords, &c.

Aug'st 14th, 1718.

To the Board of Trade:

MY LORDS:

Having in my Letter of ye 24th June given your Lord'ps a Summary of the Extraordinary proceedings of the late Session of Assembly, I now transmitt the Journals of that Session, w'th the Acts passed therein, w'ch, being chiefly of a private nature, I shall trouble your Lo'ps but w'th a few remarks thereon. The first and principal of these is An Act for Settling the Fees of the Secretary, County Court Clerks, Sheriffs, Coroners, and Constables, and for ascertaining the Fees of Attorneys, to be allowed in a Bill of Costs."

Such a law has been often times Attempted by former Assemblys since the expiration of the former Acts whereby these Fees were ascertained, and as it is now passed is a very useful Law, both for the Officers and the people; for tho' I have known no Complaints of exactions during my time, yet the leaving those Officers at Large might have proved a dangerous Temptation to

"See *Henig*, iv., pp. 59-74.

their Integrity; And on the other hand ye fees being payable in Tobacco, and the people knowing very well they could not be levied by distress, took the Advantage of delaying the payment whenever the Tobacco became valuable, whereby the profits of those Officers were rendered very uncertain; but not both the one and the other being provided for by this Law, tho' the fees are in some particulars lessened for the ease of the Subject, the Officers w'll find an Equivalent in the manner of the payment. I have in my last acquainted y'r Lo'ps of the attempts made by the popular party of the Assembly to load this Bill w'th some Clauses derogatory to his Majesty's prerogative, and how I got them to be expung'd and being thus modelled. I know nothing in this Act unfit for his Majestie's Royal Approbation. The second is ent'd An Act for granting One Thousand pounds out of the publick Fund for ye maintaining and Educating Scholars at the College of Will'm and Mary. The title of this Act sufficiently expresses the intention. The money is to be laid out by the Visitors and Governors of the College, and the profite thereof applyed towards the Maintainance and Education of such Scholars as shall be chosen from time to time by the said Visitors. This being an Act of Charity, I readily give my Assent, tho' there be something in it w'ch I could have wished had been left out. I mean the partiality the Assembly has shewn in confining the Benefit of these Scholarships Solely to the Natives of this Colony, w'ch, in my Opinion, shows but little regard for the publick Interest in making such a distinction between ye natives and others who remove hither; For seeing a person who brings in a Family to dwell here contributes more to the increase of the Country than he who by his birth and the Fortune he receives from his Ancestors, is necessarily determined to a Residence, perhaps involuntary, the Children of one have at least an Equal Right w'th those of the other to whatever Advantages the Country affords, and indeed as this Case is rather more since ye fund out of w'ch this money is given hath arisen chiefly by ye Dutys on forreign Importation, to w'ch the Natives Contributed very little, but there's no Arguing against Men of such Selfish principles, and to have made the objection would have proved ye loss of the Charity. However, if your Lordships should for this Cause disapprove the Act, it is in a manner suspended for a time since ye money cannot be paid without my Warrant, And the Gover-

nors of the College being yet unresolved about the manner of laying it out, I can easily delay the payment 'till yo'r Lordships shall be pleased to signify yo'r Opinion thereon. The 3d is Ent'd An Act to impower Harry Beverley and others to build a Bridge over the Dragon Swamp. This Act is no more than allowing certain Gent'n to build at their own Charge a Bridge and Causeway over an unpassable Morass for ye greater conveniency of Travellers, and is of so little Consequence that there needs no further to be said of it. The last is an Act to enable Michael Megginson, of the County of King and Queen, Planter, to Sell certain Land in the County of Gloucester, entailed on him and the Heirs of his Body upon Settling other Lands of greater value to the same use. This has nothing in it Exceptionable, the Saving Clause directed by his Maj'ty's Instructions to be added to all private Bills of this Nature being inserted in it.

These are all the Acts passed this Session. There were two others offered for my Assent, w'ch I took time to consider of, viz't: An Act for Dividing Westopher Parish, and an Act for the better securing the payment of Levys, &c. The first fram'd upon the Representation of a Part of that Parish against the declared Sentiments of the greater number of the Parishoners, and has so much of a party Spirit in it, That it seems for that very reason it passed the Council so easily now when another Bill, Verbatim the same, was unanimously Rejected by them last Session as unjust. The last, having been transformed into various shapes by both Houses, is at last so ill liked by many who voted for it, That I judged it not amiss to give them time to consider farther of it in their Next Session. As to the Bill for preventing abuses in the Post Office, and that for Lodging £4,000 of the publick money in ye hands of Mr. Arch. Blair, (on both w'ch I gave Yo'r Lord'ps my Remarks in my Last,) they were not offered for my assent, nor another Bill for the Regulating Chickahominy ferry, &c., tho' all of them passed both the Council and Burgesses.

When I gave leave for the Assembly to Adjourn, I expected the Council would have judged it incumbent on them to have taken some pains to perswade the Burgesses at their next meeting into the expence of renewing the Treaty w'th the five Nations of Northern Indians, in Order to the securing both Our Inhabitants and Tributarys ag'st their Incursions, but I soon

found I was mistaken when ye next day after the Adjournment, the Council delivered their Opinion That no Measures should be taken w'th those Indians untill they should break into open hostility w'th us, Seeing, then, that the Defence of the Country was to be no part of ye Business of ye Legislature, I Judged it Unnecessary to put the Country to the Charge of another meeting of the Assembly att an Inconvenient Season of the Year, and therefore inclined to Prorogue them by Proclamation to a further time, but on Advising thereon w'th the Council of the 26th June, they declared their opinion that the Council being under an Adjournment could not be Prorogued without a Meeting, and that such a Prorogation would be a Dissolution. So that I was Obligated to lett the Burg's's meet according to their Adjournment, and then put an end to their Session by a Prorogation to ye 7th Aug'st ; and since I have farther prorogued them to ye 11th Sept'r, but do not intend they shall Sitt till the Autumn, unless ye Indians should, in ye meantime, give us any disturbance, w'ch may be expected, that their Partys being very numerous in our Frontiers, and for that reason it is I have kept the Assembly under these short Prorogations, that they may be in readiness to apply a Remedy to an Evil w'ch they cannot be persuaded to prevent.

Whether the Opinion of the Council, That an Adjourned Assembly cannot be prorogued without their Meeting when there is no occasion for their Sitting, be agreeable to ye Powers granted by his Maj'ty in the Governor's Commission, I leave to Your Lord'ps to determine, there being neither Law nor Preced'ts in this Country, either for the Affirmative or Negative. What is urged from the Parliamentary practice in England cannot well be applyed here, the Immemorial possession of the one bearing no proportion to ye Modern Practice of these new Colonys, where the Concessions of the Sovereign, either by his Letters Patents, the Laws of the Mother Kingdom, or those w'ch the people are allowed to make for themselves, seem to be the Basis of all the Privileges they can Claim. The King, by his Letters patents, has given his Gov'r a Power of Calling, Proroguing and Dissolving Assemblies, but has no where declared whether such Prorogations shall be made by Proclamation, without the Convention of the Members, or that there must be an Actual Meeting ere the Assembly can be pro-

rogued. For my own part, it is a matter altogether indifferent to me, and I believe w'll be so to future Governors, w'ch way soever this Question is decided, but I can see a very great Inconveniency to the Country if ye Opinion of the Council in this point should prevail; for, if the Parliamentary Custom of Great Britain is to be follow'd here in cases of Adjournment, the same may as well be urg'd as a Precedent to restrain a Governor from proroguing the Assembly at all without a meeting of the Members, and how great a Burthen that would bring upon the Country, w'ch pays so largely as this does, both for the Attendance and Travelling Expences of their Burgesses, is very Obvious, and w'll be but ill relished by the People when their Burgesses must meet and be paid without having any Business to do. It is also to be considered, it is easier to gett together a fuller House in England than here; a Sufficient Numb'r to adj'n, where the members live so remote from one another, and scarce any of them at the Seat of the Governm't. But tho' I judge it my Duty to inform Yo'r Lo'ps of every new occurrence in the Administration here, lest my Silence should occasion any prejudice to his Maj'ty's Service, or give way to Innovations w'ch Yo'r Lo'ps may think unfit to be allowed, I would not be understood herein as if I were tenacious of my own Opinion, or faulting that of others to w'ch I have yielded on this occasion. I only offer this to y'r Lo'ps' Consideration: that if the Case deserves it, You will be pleased to signify Yo'r Directions therein.

I herewith Transmitt the Journals of the Council from August, 1717, to this time, together w'th such Proclamations as have been issued in that time. In my former Letters I have, from time to time, taken notice of such Transactions in Council as were most remarkable, and necessary for Y'r Lordship's Observation. What I have Chiefly to Remark in the Council Journals, now transmitted, is an Entry of the 31st of May, wherein I hope Yo'r Lord'ps w'll discover the Candour of those Gent'n of the Council who last year accused me for pressing them into new and inconvenient Measures of Government, and seeing they submit to stand recorded by Name in the Council Books for my Successors, to beware of them as Treacherous Counsellors, without offering any reply to that Slur, and choose rather to lye under ye scandal of secretly to lay false Charges against their Governor, than under the imputation of doing so im-

proper a thing as to explain themselves to me upon a passage in a Letter w^{ch} they had Writ to Y^r Lo^{'ps}. I presume it can remain no doubt that this pretended nicety of theirs, in Waiting till yo^r Lo^{'ps} Call upon them, is nought but a Contrivance meerly to evade an explanation w^{ch} they are at a loss to make, or perhaps it may be that they are loath to speak out their meaning, and, therefore, no longer to Wrack their modesty, I, myself, w^{ll} allow that I have pressed upon them new Measures of Government w^{ch} they might really apprehend would have bad Consequences, and I believe they might venture to Swear that such is truly their Opinion, provided the Oath be administered to them as Virginians, and not as Counsellors for the King. This, My Lords, is no imagined Equivocation that I suppose they might use, but it is a real Distinction w^{ch} I have heard actually contended for in Council, and upon a Question put at the Board, I have had from one of these Gentⁿ two Different Opinions at the same time, telling me plainly y^t one he gave me as Acting for the people of Virg^a, and the other as Counsellor for the King.

I never troubled Yo^r Lord^{'ps} for any Determination on this point, because Since I declared my Sentiments at my first hearing the Doctrine broached, I have not found it to be openly avowed, tho' I clearly see it is a distinction that has taken root in too many of the present Members of the Council, and, in truth, this is the very ground Work of Our Discord, for which I perceive the Creolian is uppermost in all their Judgments. I cannot but take them for unfaithfull Counsellors, and while they prove me to be Staunch for his Maj^{'ty}'s Rights, they w^{ll} think me a Gov^{'r} not for their purpose, and for that Reason Strive to blast my Credit, as they have been endeavouring of late years by Anonymous Papers and other indirect means. And it is Your Lo^{'ps}' Justice that has hitherto frustrated the foul Assaults of my spiteful Adversaries, for w^{ch} I can never enough express my grateful Acknowledgments, and hope yo^r Lordships still w^{ll} be pleased to continue that Protection whilst You find me not imperiously stretching the King's Prerogative, or a Governor's Power, but fairly Arguing with these people, that they ought to be as much in Subjection to the Crown as the People of England indisputably hold Themselves to be; That Justice is to be done here to the King as well as to ye Subject; That

the Rights of the Sovereign are not to be parted w'th merely because an humoursome populace thinks they would be more conveniently Lodged in their hands, and that such Powers and Authoritys, that are plainly granted to a Governor by ye word of his Commission and the purport of his Instructions, ought always to be pursued, if neither the Law of the Province Nor the Welfare of the people made it advisable to suspend the exercise thereof, until his Maj'ty's pleasure shall be further known.

And hereupon I must informe Yo'r Lo'ps of a new Contest w'ch Mr. Ludwell and Mr. Commissary Blair have begun to set on foot, w'ch is to dispute w'th the Crown the Rights of Supplying the Churches of Virginia with Ministers,⁷⁸ for I having lately preferred to a better Benefice the Incumbent of a Parish where Mr. Ludwell and Mr. Blair's Brother are Vestryman, these two bestirred themselves till they prevailed upon four more of their Number to joyne w'th them to dispute the power w'ch his Maj'ty has thought fit to give his Governor, of Collating to Ecclesiastical Benefices. Accordingly they invited a Minister from another Living, and fixed him in their Parish by a vote of their Vestry, ordering likewise a fee for retaining the Ablest Lawyer they could get to maintain their Cause. And that it might appear to the World how much they contemned the Authority derived of the Governor, they let their Minister understand that if he made any Application to Me, either for quitting his former Cure or accepting of theirs, they would not admit him into their Parish. Yo'r Lo'ps w'll find in the Council Journal of the 30th of July that I laid this matter before the Board, and tho' there were four of the Gent'n there present who agreed that the powers Granted by his Maj'ty for supplying Vacant Benefices ought to be pursued, yet Mr. Ludwell and Mr. Blair Strenuously opposed it, urging the Practice of the Country in placing and displacing their Ministers to be of more force than the power granted by the Crown, (w'ch they said is no other now than what has been given to former Gov'rs,) and that the Gov'r hath nothing else to do in Ecclesiastical Affairs than to Induct Ministers when the Vestrys present them, and not otherwise, Such

⁷⁸ Regarding this controversy, see *Perry's Church Papers of Virginia*, pp. 199, 247.

Vestrys being in their Opinion the undoubted Patrons. This pretended Right of Patronage has no other foundacon than a Clause in an Act made in the year 1662, Entituled Ministers to be Inducted, A Copy of w'ch Act I send, (under No. —). And that the principal power and Jurisdiction Lodged in Vestrys at the first Establishment of them in this Colony may be fully understood, I have subjoined the whole Act for appointing Vestrys, And in the same paper I have Stated the Authority, from whence I infer that all Ministers admitted to any Benefice under the Government must be Collated thereto by ye Governor. I do not conceive that That Single Clause in their Act, w'ch says the Gov'r is requested to Induct a Minister into any Parish that shall make presentation of him, is a sufficient foundation to sett up the Vestry's Claim of Patronage, and to destroy the King's Right of Collation, much less can I allow that these Words give ye Vestrys a Liberty to supply vacancys in their Church, or to make them again at their pleasure, or that they can entertain any Minister without the Licence of the Governor, who has, by his Maj'ty's Letters Patents, the Power of ye Ordinary as well as the Rights of the King to Collate *Jure Coronal*.

I have Enlarged the more on this Case, because I would wish yo'r Lo'ps would be pleased to take the opinion of His Maj'ty's Attorney Gen'll upon it, since the present dispute is Created w'th an Intent to Set an Example to other Vestrys to contest his Majesty's Rights, and by that means to sow the Seeds of Discord in the Country, for, otherwise, it is impossible that Mr. Blair, the Bishop of London's Commissary, who ought to protect the Clergy from the Arbitrary Usurpations of the Vestrys, Should now so warmly contend for the Right of those Vestrys when He made it a principal Article of his Complaint against S'r Edmund Andros and Colo. Nicholson that they did not use the Authority Given them by ye Crown to support the Clergy in their Livings in Opposition to y'r pretended Rights, w'ch he is now so Violently Espousing. Seeing therefore there is a Party here industrious to disturb the Quiet of the Government, by persuading the populace to dispute w'th their Sovereign a Right w'ch can never be permitted them without making the Clergy depend't upon the Mobb, and laying them under the dangerous Temptations of Suiting their Doctrines to the Humors rather than to the Benefit of their Hearers, I presume y'r Lord'ps w'll

Judge it for his Majesty's Service to furnish me wth such Opinions of Persons eminent in the Law upon this point as may both direct my future Conduct and serve to Convince the people that they are in error when they aim at a Greater Power over their Ministers than the Constitution of their Mother Country and the Right of their Sovereign w^{ll} allow of.

The proclamation herewith sent, No. —, w^{ll} inform y^r Lord'ps that the two Acts mentioned in y^r Letter of the 21st of February last are, pursuant to his Majesty's Pleasure, declared void.

Among these Proclamations there is one prohibiting the Unlawful Concourse of Persons who have been guilty of Piracy. This was occasioned by the great resort to this Colony of certain Pirates who, being cast away in the Province of North Carolina, Surrendered there upon his Majesty's Proclamation of Indemnity, but as there is no great faith to be given to the forced Submission of Men of those Principles, it seemed necessary, in a Country so thinly Inhabited as this is, to restrain their Carrying Arms or Associating in too great Numbers, lest they should Seize upon some Vessel and betake themselves again to their old Trade as soon as their money was spent. There are yet divers Pyrates on this Coast, but the Men of War Cruising about Our Capes has prevented their taking any of our Inw'd or Outward bound Ships, that I have heard of.

Pursuant to Your Lord'ps' Commands of the 29th of Jan'y, I herewith transmit, (No. 10.) An Account of the Imposts from the Madeira and Western Islands for the three years last past, ending at Lady Day, and shall continue the like Accounts Annually for the Future.

Yo^r Lord'ps w^{ll} also receive (No. 11,) an Account of all Grants of Lands made since my Administration. These Grants are all perpetual, it not being Customary to Grant his Maj'ty's Lands any otherwise than in Fee simple, nor for any other Quitt R't than the Annual payment of 2s. for every hundred Acres. As to the reasons inducing to make such Grants, besides the Gen'll Benefit accruing by the increase of his Maj'ty's Quitt R'ts and the advancing the Staple of Tobacco, w^{ch} is more plentifully produced on new Ground than old, There is a Right given by the Charter of King Charles the Second, whereby every person coming here to dwell may Claim 50 Acres of Land for his Im-

portation. These Rights are often to one Man, who takes up Land for the Whole. Another Consideration of such Grants is the payment of 5s. Sterling to the Rec'r Gen'll for his Maj'ty's Use for the Liberty of taking up 50 Acres where the Patentee is not furnished w'th Importation Rights, And for Escheat Lands the Composition is settled by the same Charter at two pounds of Tobacco per Acre, and is Accounted for to the King w'th his Q't R't. Thus yo'r Lo'ps w'll observe that the sole inducement to the Granting of Lands is the benefit of the King and ye Convenience of the Subject, for there is no private interest Accrues to a Gov'r here by any of these Grants, nor doth he receive one farthing of the people for the trouble of Signing their Patents.

The Memorial mentioned in Y'r Lo'ps' Letter concerning the French Settlements at Louisiana, and the consequences thereof, By some mistake was omitted to be sent, but tho' I'm ignorant of the facts set forth in that Memorial, Yet having of a long time endeavour'd to informe myself of ye scituation of the French to the Westward of Us, and the Advantages they Reap by an uninterrupted Communication along ye Lake, I shall here take the Liberty of communicating my thoughts to Yo'r Lord'ps, both of the dangers to w'ch his Majesty's Plantations may be exposed by this new Acquisition of our Neighbours, and how the same may be best prevented. I have often regretted that after so many Years as these Countrys have been Seated, no Attempts have been made to discover the Sources of Our Rivers, nor to Establishing Correspondence w'th those Nations of Indians to ye Westw'd of Us, even after the certain Knowledge of the Progress made by French in Surrounding us w'th their Settlements.

The Chief Aim of my Expedition over the great Montains in 1716, was to satisfye my Self whether it was practicable to come at the Lakes. Having on that occasion found an easy passage over that great Ridge of Mountains w'ch before were judged Unpassable, I also discovered, by the relation of Indians who frequent those parts, that from the pass where I was It is but three Days' March to a great Nation of Indians living on a River w'ch discharges itself in the Lake Erie; That from ye Western side of one of the small Mountains, w'ch I saw, that Lake is very Visible, and cannot, therefore, be above five days'

March from the pass aforementioned, and that the way thither is also very practicable, the Mountains to the Westward of the Great Ridge being smaller than those I passed on the Eastern side, w'ch shews how easy a Matter it is to gain possession of those Lakes.

Having also informed myself of that extensive Communication w'ch the French maintain by means of their water Carriage from the River St. Lawrence to the mouth of Mississippi, I shall here set down the route from Montreal, (a place well known and distinguished in ye ordinary Mapps,) to Maville, their Chief Town in their New Settlement of Louisiana, according to the account given me by three Fr. Men, who had often Travelled that way, and were taken in a late Expedition under the Command of the Gov'r and L't-Gov'r's Sons, of Montreal, and is as follows:

	FR. LEAGES.
From Montreal up St. Lawrence River, to Fort,	
Frontenac, at the Entrance of Lac Ontario, is -	60
The Length of Lac Ontario, which is Navigable, -	60
Up the River to the Falls of Niagara, where there	
is a necessity of Land Carriage, - - - -	3
From Niagara to the Lake Erie, - - - -	100
Up the River Mic., w'ch falls into Lake Erie, -	60
From the River Mic. to the River Occabacke, a	
Land Carriage of - - - - -	3
Down the River Occaback till it falls into the River	
Mississippi, - - - - -	200
Thence down Mississippi to Maville, - - -	360

By this Communication and the forts they have already built, the Brittish Plantations are in a manner Surrounded by their Commerce w'th the numerous Nations of Indians seated on both sides of the Lakes; they may not only Engross the whole Skin Trade, but may, when they please, Send out such Bodys of Indians on the back of these Plantations as may greatly distress his Maj'ty's Subjects here, And should they multiply their Settlement's along these Lakes, so as to joyn their Dominions of Canada to their new Colony of Louisiana, they might even possess themselves of any of these Plantations they pleased. Nature, 'tis true, has formed a Barrier for us by that long Chain

of Mountains w^{ch} run from the back of South Carolina as far as New York, and w^{ch} are only passable in some few places, but even that Natural Defence may prove rather destructive to us, if they are not possessed by us before they are known to them. To prevent the dangers w^{ch} Threaten his Maj^{'ty}'s Dominions here from the growing power of these Neighbors, nothing seems to me of more consequence than that now while the Nations are at peace, and while the French are yet incapable of possessing all that vast Tract w^{ch} lies on the back of these Plantations, we should attempt to make some Settlements on ye Lakes, and at the same time possess our selves of those passes of the great Mountains, w^{ch} are necessary to preserve a Communication wth such Settlements.

As the Lake Erie lyes almost in the Center of the French Communication, and, as I observed before, not above 5 days' March from the late discovered passage of Our great Mountains, That seems the most proper for forming a Settlement on, by w^{ch} we shall not only share wth the French in the Commerce and friendship of those Indians inhabiting the banks of the Lakes, but may be able to cutt off or disturb the communication between Canada and Louisiana, if a War should happen to break out. If such a Settlement were once made, I can't see how the French could dispute our Right of Possession, the Law of Nations giving a Title to the first Occupant, and should they think fitt to dispossess us by force, We are nearer to Support than they to attack. As this Country is the nearest of any other to Supply such a Settlement, and as I flatter my Self I have attained a more exact knowledge than any other Englishman Yet has of the Situation of the Lakes, and the way through w^{ch} they are most accessible over Land, I shall be ready to Undertake the Executing this project if his Majestie thinks fitt to approve of it. Yo^r Lord^{'ps} w^{ll} easily imagine there can be no great pleasure in an Expedition of this Nature through an uninhabited Wilderness, and where the only Humane kind expected to be met wth are such as must either be gain'd by much Industry or compelled by force to afford a passage to Strangers; Yet, having been from my Infancy employed in the Service of my Country, I shall not grudge any fatigue w^{ch} may contribute to its benefits; And for the Charge, his Maj^{'ty} has at present a Bank of Q^{'tt} R^{'ts} here sufficient to

defray it, without issuing any Sums out of his Treasury at home, and I dare venture wth such a Body of Men to reconnoitre the Country and find out a proper Post to be fortified on the Lakes as ye produce of one year's Q^{tt} R^{ts} might suffice for their pay, Provisions and all other incident Charges, referring my Self to his Maj^{'ty}'s bounty for what my own particular Services shall deserve if ever I return. To make any greater Effort, 'till an Exact discovery be made of the fittest place to forme the proposed Settlement, would be running into Expences upon an uncertainty of Success; for having had the hon^r to serve nine years under my Lord Cadogan as L^t Q^r M^r Gen^l of her late Maj^{'ty}'s Army in Flanders, I have Learned by Experience how much the knowledge of a Country contributes to the facilitating the Execution of Military Projects, and that Without the one the other must prove abortive. And this inclines me to propose the Carrying on this design Gradatim, than attempting to make a Settlement at once without knowing whether it w^{ll} prove of consequence to the End proposed.

My Lords, &c.

August 14th, 1718.

To Secretary Addison :

S^R :

Pursu^t to his Maj^{'ty}'s Commands, I herewith transmitt the Publick Transactions of this Government Since the time of my last dispatch, among w^{ch} are the proceedings of a late Assembly, wth the few Laws passed therein. It would be impertinent to take up that time w^{ch} is so much employed wth affairs of greater moment in troubling you wth the less considerable Occurrences of this Country, and, besides, having communicated to the Lords Com^{'rs} for Trade every thing that is necessary for the information of his Maj^{'ty}'s Ministry, I shall only here beg leave to refer to my Speech at the beginning of the last Session of Assembly for a true Account of the Gen^l State of this Colony, w^{ch} has rec^d no other Alteration since but what is rather for the better; namely, the Increase of Trade

of ye publick Treas'r, and a prospect of enlarging its Trade by a large addition of Negroes Imported. Notwithstanding the Gen'l Assembly hath not Acted w'th that Temper and publick Spirit w'ch might have been expected from the Representatives of a Country under such happy Circumstances, yet there is this Satisfaction, that if they cannot be persuaded to do good to themselves, a Gov'r has it in his power to restrain them from doing much harm. And as there is a Necessity some times of giving way to popular Humours 'till they work off of themselves, So, tho' the last Assembly would not be prevailed on to take proper Measures to Secure their Country against the Attempts of Indian Enemies, because they looked on the danger to be remote, I hope there's no great reason to apprehend very bad consequences from it, seeing there is a sufficient Bank of Money ready to be applyed if our Indian Neighbours should by some attempt on Our Frontiers awaken the Country Out of their present Security.

The Address of the House of Burg's's to his Maj'ty, mentioned in the Journals herewith sent, is to be presented by an Agent of their own, and I believe it needless for me to offer any thing on the Subject of that Address, seeing ye two points petitioned for being to Limit the power of ye Crown and Enlarge that of the People, his Maj'ty's Ministry will best Judge what is fit to be Granted. In my Travels last year to the Northward I observed that his Maj'ty has been pleased to honour his Govern'm'ts there w'th his Royal Picture; as there are here some of the best publick Buildings in America, I hope his Maj'ty w'll be graciously pleased to do, Virg'a the same Hon'r, and that it would be no Obstacle to his Maj'ty's Bounty or y'r good Offices herein, that in the Journal of our late House of Burgesses there is a Vote rejecting the petition of a person who offered a picture of his Maj'ty, (reputed to be a good piece,) to Sale because they would not be 'at ye Expence of the purchase. If you w'll be pleased to intercede w'th his Maj'ty for this favour to his first Colony, Colo. Blackiston, our Agent, w'll satisfie the Fees and Charges.

Sept. 27th, 1718.

To ye Board of Trade :

MY LORDS :

Since my last, of the 14th of Aug'st, (whereof a Duplicate is Inclosed,) I have received, in a Letter from y'r Lord'ps, by the way of Barbadoes, the Copy of Mr. Beresford's Memorial concerning the Danger of the French extending their Settlements on the back of the British Plantations on this Continent. To w'ch I can say nothing more than I have already, since I have neither seen the Abstract of the French King's Grant to the Western Compa., nor have I by me La Hontan's book, wherein the Project the Memorialist refers to is mentioned. I have likewise, by the same Conveyance, the hon'r of y'r Lord'ps' of the 5th of March, and have communicated to as many persons concerned in the Pitch and Tar Trade, as I have had an opportunity to meet with, the inconveniencies they will run themselves into by the frauds complained of in that Manufacture. But as to the getting a Law passed here for preventing the same Trade, I must beg leave to Inform Yo'r Lord'ps of the difficultys of bringing this, or any other Branch of the Trade of this Country, under a just Regulation.

The persons chiefly concerned in the Manufacture of Pitch and Tar are of the meanest of the people, who have no other view than to pass it off to the Merch't here, and if they can conceal their false packing from his knowledge, have as little concern for the Reputation of their Commodities in the Brittish Markett as they have for their own here. Yet these people, having a great influence in the Election of Burgesses, it is difficult to persuade their Representatives to * * Whatever Restraint is attempted contrary to the common practice, is accounted here an Innovation, thence prejudicial to their Interest, and a Gov'r shall surely be stigmatiz'd for introducing it by a Popular Party who will not only be ready to oppose his endeavours, but, if ever common honesty should oblige them to a concurrence in passing such a Law, would be ye first to frustrate its execution, and inflame the common people w'th Notions of the ruin of their Libertys, for I can assure Yo'r Lo'ps that the Liberty of doing wrong is none of ye least contended for here. But if an Assembly

should resolve to rectify abuses in this Manufacture, I can see no other effectual way of doing it than by laying it under ye inspecon of some sworne Officers, and such Officers must have a fee for their trouble, but as such fee must be paid by the purchaser, or at least increase the price, if paid by the planter, such a Law would fall within ye Limitation of the late Instruction against passing Laws affecting the Trade and Shipping of Great Britain, and would be surely charged upon me, since the Sollicitor Gen'll declared his Opinion that the fee paid to the Tobacco Agents was laying a Tax upon Trade and a breach of my Instructions. Besides, it is evident that the Virginia Merch'ts, tho' they are apt at empty Clamour against frauds in this Country's Manufactures, are the most difficult to be pleased in any Regulations that are made therein here; And, therefore, I would humbly propose that Y'r Lo'ps may be pleased to gett them to prepare a Scheme of such Regulations as they w'll be content to submit to w'th respect to the preventing the abuses in the Manufacture of Pitch and Tarr, and I shall be ready to use my utmost endeavours to bring the Assembly into the passing of such a Law, for Otherwise I'm persuaded y't no Measures projected here w'll content them. I believe y'r Lord'ps have not forgot the many Representations You were troubled with for repealing the Law for preventing the abuses in Tobacco Payments, and that for Regulating the Skin Trade. Tho' never were any Laws attended w'th more remarkable Success. The Tobacco w'ch before bro't ye Planter in Debt, rising of a Sudden to the highest price that has been known in the Memory of Man, and the Skin Trade, w'ch was entirely lost to the Country, recovered, to a considerable Degree, by the bold Efforts of the Adventurers, and yet it is very well known ye Merchants never ceas'd teizing y'r Lord'ps till both these Acts were destroyed. Whether they were Spirited on by the Remonstrances of their Correspondents, (who envied their Country so happy an Establishment,) or tempted by the more prevailing views of their own private Interest, or by both, I shall not now determine, Tho' I think in that of the Skin Trade it is demonstrable they had no great Expectation of benefit, seeing of all that great Body of Merchants, who complained to y'r Lord'ps in behalf of themselves and others against the Virg'a Indian Comp'ny, not one has yet adventured to send so much as one horse load of

Goods to any of the remote Indians, except Mr. Perry alone, who has a small Adventure in Company wth one of his Correspondents here. If, therefore, men w^{ll} be so uneasy, where they have no Interest to prompt them, what may be expected in the case of the Pitch and Tarr Trade, w^{ch} is more extensive, and wherein most of the Merch^{ts} have some Concern, And on that consideration It is as much wth regard to y^r Lo^p's quiet, as my own security, that I propose That whatever Reformation is found necessary to be made in this or any other branch of the Trade of this Country may be concerted wth the Merch^{ts}, and afterwards directed to be passed into a Law here.

Being obliged to speak here of the Repeal of the Act for Regulating the Indian Trade, I cannot forbear adding the daily Inconveniences that occurs to the Governor here by recurring to that loose way of managing that Commerce w^{ch} that Law was calculated to prevent, and by destroying that Security to the Frontiers w^{ch} it had so well provided for. It was in Aug^t, 1714, that I began to build the ffort of Christanna, and to forme a Scheme for the better defending the Frontiers. From that time to the dissolution of the late Indian Company, and that the Assembly refused to keep up that Fort, there was not so much as one Alarm from any fforreign Indians, nor occasion for ordering out ye Militia for defending the Frontiers, as has been the practice for many years before. But now the Northern Indians and Tuscaruros begin again their usual Incursions, and about the beginning of last Month committed a murder at one of our out Plantations. A more dangerous Design has been formed by them in our Neighbouring Province of No. Carolina, to cutt of the new Seat of Governm^t and the Neighbouring Settlements, and they had so far proceeded therein as to attack a Plantation within less than half a mile of the Gov^r's Residence, but the Conspiracy having been timely discovered, the people were upon their Guard, and the Indians were beat off. However, this has so much alarm^d the people that many Plantations are deserted and the Governor is even withdrawing his Family from that place to one of more Safety. The Saponie Indians Settled at Christanna, in pursuance of a Treaty made wth this Gov^t, were also threatened by the Northern Indians, and they went so far as to send a Message to the Officer commanding that Fort to demand that Nation of

Indians to be delivered up to them, but tho' our Assembly thought fitt to abandon those Indians by refusing to keep up the Guard of the Fort, as by the aforementioned Treaty was promised, and tho' they seem'd bent upon discouraging the late Indian Comp'ny from contributing any longer to the Support of the ffort by y't extraordinary proceeding of theirs on ye 24th of May, when they Resolved that the Governm't be not enabled to make good its Engagem't to ye late Indian Comp'ny for rebuilding ffort Christanna, I could not think myself excusable in treating so inhumanely a people that had voluntarily submitted to the orders of the Government, desired to be Ruled according to such Methods as We should direct, and agreed to have all their children brought up Christians at the school w'ch I have established there, And, therefore, I removed them all into the Fort, w'ch the late Indian Comp'ny, after their Dissolution, at the desire of the Gov't here, had rebuilt and made of sufficient strength to baffle any Indian Enemy. And the Northern Indians, being sensible that it was impracticable to attack them there, have since offered them peace, and have concluded a kind of Treaty by w'ch they are to forbear any hostilitys against one another. It were to be wished that the Assembly of Virginia, laying aside their more refined Politicks, had consulted as much the safety of the people they Represent, by renewing the Peace w'th those Northern Indians before they are tempted to fresh Hostilitys. But whatever may befall this Government or its Neighobours from those Indians, w'll be imputed to the obstinacy of Virginia, and I must plainly charge it on y't factious party in the Council here who rather chuse to ruin their Country than to Second any Measures I project for the King's Service, or the publick benefit, it being argued by one of their Party in the Ho. of Burgesses, as an Argument for not complying with any Measures for securing the Country, that ye Approbation of their House would do me too much Service at Whitehall. But I am as little Apprehensive of their Success in distressing my Administration, in this or any other occasion, as I am of their Malicious Representations to yo'r Lord'ps' Board, being entirely satisfied w'th my being under ye protection of y'r Lo'ps Justice, w'ch hitherto has been so conspicuous towards me that I must ever, w'th the greatest Gratitude, acknowledge myself,

My Lords, &c.

[Sept. 27th, 1718].

MY LORDS:

Mr. Byrd, one of the Council here, having been gone from hence three years and a half, and seeming, by his Letters and the New Employ'm't he has got into of being constituted Agent for the House of Burg's, to incline to a much longer continuance in England, I hope Y'r Lo'ps will think fitt to move his Maj'ty to appoint another Counsellor in his room, And I humbly recommend to Y'r Lo'ps for that purpose Mr. Cole Diggs⁷⁹, a Gent. who lives very convenient to the Seat of Governm't, of an ample Fortune, Good parts, and a fair Character, and whose Father was also of that Board. This Gent. has also one Circumstance to plead for him: that he is in no way related to that Luck of Hundred that sway the Bench in the General Court; which, however, they are endeavoured to be supported by some, are a very Great Grievance to all the People here who are not of the same Party. Upon reviewing my Letter of the 14th of Aug'st, I begg leave to explain that part thereof wherein I say that ye Lake Erie can't be above 5 days' Journey from the passage over the great Mountains. My meaning is that the distance can't be further than a Man might Travell in five days, supposing that a good Road was made and no Interruption to the passing the River; but it is probable that the difficultys may be such, in making Roads, for a body of men to March in and contriving means for passing the River in the way w'ch running, through a vast Tract of Great Mountains, are lyable to be swell'd upon every Rain, that it may retard such a March nearer two Months than five days, tho' the distance be so considerable; but then the nearest way being found, and the Roads made practicable, all future difficultys of keeping a communication w'th the proposed Settlement on the Lakes will be removed.

⁷⁹ Cole Digges, son of Edward Digges, (fourth son of Sir Edward Digges of Chelham, Kent, Master of the Rolls and M. P.,) President of the Council of Virginia and Acting Governor, 1665-6; Burgess from Warwick county, 1718; member of the Council 1724, and subsequently its President. His son, Edward, also served in the Council, and his daughter, Mary, was the first wife of Nathaniel Harrison. See *ante*, page 41.

Oct. ye 22nd, 1718.

*Mr. Sec'y Craggs.*⁸⁰

Sir :

Since my last, of the 27th of Sept'r, I have not been hon'd with any of yo'r's, and have but little of moment to trouble you with from hence. Having receive Advice from N. Carolina that a Gang of Pirates, Command'd by one Capt. Tatch, under pretence of Surrendering to and Settling in the Governm't of No. Carolina, continued their Depredations on the Coast w'th less Suspicion, and had the Dexterity to make it believed that a French Ship, w'ch they brought in there last Sept'r laden w'th Sugar and Cocoa was a Wrack, w'ch they had found at Sea without either Men or Papers, and, in short, that their Insolence was grown to that heighth as to threaten destruction to any one of these People who refused them what they wanted without paying for it. These, with their plundering the Trading Vessels there, and the just grounds they had given to Suspect of their intending more open Hostilitys as soon as they could gain a greater number to joyn w'th them, occasioned my forming a Design in concert w'th the Capt's of his Maj'ty's Ships on this Station to prevent a danger w'ch so nearly threat'ned the Trade of this Colony. To the Execution whereof I furnished at my own Charge two Sloops, Pilots, and the two Captains, Men from the Ships under their Command, it being impracticable for larger Vessells than Sloops to go into the Inletts of that Country. The Project was so well Executed, that Tatch, who was in a Sloop of 8 Guns, was on the 22d of Nov'r Attacked at Oeцент Inlett, himself, w'th nine of his men, killed, and the rest of the Crew taken prisoners,

⁸⁰James Craggs, Jr., (son of James Craggs, Sr., Post Master General,) appointed Secretary of State March 14, 1718; died February 16, 1721, of Small Pox, during the investigation by the House of Commons of the Report disclosing infamous corruption in the management of the South Sea Company, the directory of which, the preceding year, had created above half a million of fictitious stock, the profits of which had been used as bribes in securing the influence of favorites of the King. Both Secretary Craggs and his father were accused of speculation. The latter, March 16, 1721, whilst accusation was passing upon him, committed suicide, leaving an immense fortune to his three daughters, who had married severally Tresusis, Nevesham and Elliott.

after an obstinate Resistance, wherein 10 of the men belonging to the King's Ships were killed on the Spott, and 24 Wounded, one of w'ch is since Dead, a loss too great, and w'ch can only be recompensed by the happ'r Consequences of this Success, w'ch I hope has not only prevented the dangers to w'ch our Trade must have been exposed by this Crew of Robbers, but w'll terrify others from making their Rendezvouse so near our Coasts.

To Reward the Bravery of these Men who have ventured their Lives in this Service while preparation was making for it, I prevailed w'th the Assembly of this Colony to give Encouragements for the Apprehending and destroying of Pyrates, and an Act has accordingly passed whereby £100 is given partly for Thatch, and half the Rewards promised by his Maj'ty's Proclamation for such of his Officers and Men; w'ch Rewards I am empowered to pay out of the publick Treas'ry of the Country.

After informing you of this happy Event, and the hon'r I have of assuring you of the gen'l Tranquility of this Colony, I have nothing more of publick Concernment to trouble you w'th, and must now beg leave to add somewhat nearly touching my Self. It has been a mis fortune to me, in common w'th diverse of my Immediate Predecessors, to differ in Sentiments with a formidable Party here, who have long aimed at raising their own Power by Lessening that of their Sovereign, seeking their own Gain by depriving his Majesty of his just dues, and, under the pretence of publick Liberty, diffusing false Notions and unreasonable Jealousys among the People whenever they find it necessary for carrying on their private Resentments by anonymous Libels and clandestine Representations to blast my Character and traduce my Administration, and finding 'emselves disappointed of their Ends by the Approbation, w'ch I have had ye Hon'r to receive from his Maj'ty's Ministers, have, at length, now publickly, tho' by base and Artful means, attacked me and kept together for that purpose a Chosen part of the late Assembly to frame an Address to his Maj'ty, Charging me w'th no less than subverting the Constitution of their Government, depriving them of their Anc't Rights and priviledges, and exercising many hardships on 'em, and to show that their Resentm't is not altogether personal against Me, but that even Gov't it self is the burden they complain of, they attribute the Source of these Evils to my Lord Orkney, who doth not reside among 'em, as well as to my

Self, who are on ye place, for w'h Reason their Agent, Mr. Byrd, is to procure the Removal of us both. To support this heinous Accusation, a long Calatogue of Crimes was drawn up, but had they not got the gen'l Charge voted and passed before they allowed any Argum't on ye particular Articles, they had fail'd of both, three-fourth of the Articles being struck out as Groundless, upon hearing ye falsehood of them Exposed, and now only 4 remain to make out ye whole Accusations; And when those come to be set in a true Light, they w'll appear no more than an honest endeavour in me to procure a Just payment of the King's Revenues, a Compliance w'th his Maj'ty's Instructions and a modest reproof of some Indecent and Unjust proceedings of the disaffected party. But, tho' the Irregular manner of bringing in and voting this Charge ag't me, (being at the end of a Session, when most of the Members, believing all business to be over, were gone home,) when there were but 36 out of 52 Members remaining, and of those only 22 consenting the Recantation of some y't voted for it, and the gen'l voice of ye Country condemning and disavowing y't whole proceeding, and finally my own Consciousness of being able to Justify my Conduct in every particular to be agreeable to Law, to the King's Instructions and ye true Interest of this Colony. Yet such a Charge being sent home ag'st me to be presented to his Maj'ty by Mr. Byrd, one of the Leaders of the party and a most Zealous Ag't of theirs, It behooves me to be more particular in my Answer than the Shortness of the time w'll now allow me, Wherefore I intreat the favour of you to interpose y'r good Officers w'th his Maj'ty, y't I may have a reasonable time to prepare and transmit such Answ'r before any Impressions be made to my prejudice, being well assured y't I shall soon clear my Innocency, and Demonstrating y't all this Scandalous Accusation is bro't ag'st me for no other Cause than doing my duty and endeavouring to preserve the just Rights of the Crown ag'st ye unwarrantable Encroachm't of a Faction.

I heartily ask y'r pardon for the trouble of this tedious Lett'r, and I hope you w'll have ye goodness to excuse w'n you consider y't my Reputation as a faithf'l Servant to my Roy'l Mast'r and an honest Man, (w'ch I shal always value beyond my Life,) are now at stake, and y't I cannot therefore be unconcerned when both are so falsely Attacked, And I am so well persuaded of

y'r Justice, y't I am sure you'll afford me y'r protection, 'till it appears y't I have justly forfeited any pretensions to it.

P. S.—For y'r better Information I here enclose a Copy of the Address to the King, and the Articles voted to Support ye Charge ag't me, to w'ch I have added all ye Articles w'ch were first framed, whereby I doubt not you w'll observe y't if so many of 'em were drop'd as false, and not to be justify'd even by the Accusers themselves, there must be more malice than truth in ye whole Composition of their Charge, and my Speech w'ch accompanys these Articles w'll explain some part of the
* * * * of that party.

March ye 25th, 1719.

To the Board of Trade:

MY LORDS:

Having now transmitted to y'r Lo'ps my Answer to the late Accusation prefer'd against me by the House of Burgesses, I hope what I have therein set forth w'll be sufficient to acquit me of any Attempt to Subvert the Constitution of this Government to deprive the People of their Ancient Rights and priviledges, or that I have Exercised any hardships or Acts of oppression upon them. As the Burg's, in their Address, have refer'd his Maj'ty to be inform'd by their Agent, Mr. Byrd, of the particular Act of Male Administration, by w'ch they intended to prove the General Charges contained in that Address, and that there are only four Articies he is directed by their Instructions to lay before his Maj'ty for that purpose, I have confin'd my Answer solely to these, being confident yo'r Lo'ps will not Admit any new Matter to be offer'd at ye Compl't of the Burg's of Virginia, w'ch is not Warranted by their own Resolves, especially seeing that House had sufficient time to prepare what other they could lay to my Charge, and it cannot be imagined they omitted anything they could find the least ground for.

Tho' I have, in the Inclosed Answer, considered the Accusation as the Act of the People's Representatives, I should,

nevertheless, be unjust to the greater part of that Body, as well as to the People of Virginia in gen'l, if I did not truly Represent to your Lord'ps how small a part of either concurr'd in the framing and approving of the exhibiting this groundless Complaint. It is fit to remark that such was the gen'l Tranquility of the Country at ye Meeting of this Session, that not one single Grievance came from the People, a thing never known before since there were Assemblys in Virginia. During the former part of the Session, while ye House was full, the Burg's appeared far from showing any Intentions of Addressing the King, or preparing further Instructions for their Agent at home, and it was publickly given out, by those principally employed in the business of the House, that they intended to go upon nothing else than the laying the publick Levy, a work commonly finished in a day's time after the Book of Claims is once passed, but, in Order to amuse the World w'th some show of Business, a select Com'n was appointed to enquire into the Capitol furniture, wherein 5 or 6 days were spent, until such Members as were judged unfit to be trusted w'th the Secret then concerting were gone w'th leave of the House about their private Affairs, as apprehending their presence unnecessary when nothing remain'd to be done but what commonly passed in Course. When, by this means, the House was reduced to 37 Members instead of 52, w'ch ought to have been there, and the Secret Managers, by Keeping their Friends in Town, had thus secured a Majority, An Address to the King, (w'th Duplicates thereof fairly Transcribed,) was bro't in without any previous directions for preparing it, and without allowing any time for consideration, or scarce for any Debate, immediately put to the vote and ye Speaker commanded to Sign it contrary to all the Rules of their proceeding, w'ch never admit any thing to be prepared for passing of Moment untill the Subject matter thereof has been first moved and Debated, a Com'e appointed to prepare in forme what the House Resolves on, and, gen'ly, if any opposition is made either to the matter or the Forme, again considered in a Com'ee of the whole House before any final Resolutions, but here, what was privately agreed without doors was precipitately put to the Vote within, not allowing ye Mem'rs the usual freedom of debate, w'ch is never denied in matters of the smallest Consequence; but what is yet more extraordinary, this

gen'l Accusation was voted and Signed before the particular Articles were at all considered. Thus by a Sham of Justice, peculiar to my Accusers, a Sentence was pronounced before the Merits of the Cause was ever heard, And the Grand Inquest of Virginia first delivered in their Verdict and received the hearing of the Evidence till the next day. And then, when the Members had time to consider w'th more freedom of thought, only four of their long Roll of Articles were admitted to stand as the only Instances of that heinous Charge they so rashly Voted the day before. It is fit also to Observe the Alterations made in these Articles w'ch passed the House. The declared Intention of the Address to his Maj'ty and the express words of the Instructions to Mr. Byrd as they were first brought, were to obtain my Removal from the Governm't, but when the Instructions came to be considered, these words, "and to the utmost of y'r power endeavour his Removal," were struck out, a great majority of the Members declaring they had no such desire, and one who had been most zealous in promoting the Charge, fearing his party would loose Ground by insisting on that part of their instructions, was fain to palliate ye matter by saying he had no other objection against my continuance here but that I was only L't Gov'r, and that if I was Governor-in-Chief he should like me as well as any other he had known in Virg'a. The Compliment he might have spared, since no man who knew his behaviour believed him, unless he spoke the sentiments of his party who hate the Gov'rs alike. Y'r Lo'ps will also observe in the first Article that the words "sinister," "Constitution" are changed into "misconstruction," w'ch certainly make a vast difference in the nature of ye offence, the one being the Effect of Malice and design, and the other at most but of weakness or in consideration, and can never imply an attempt to Subvert the Constitution of a Gov't, w'ch cannot be brought about otherwise than by a formed Design and a continued Industry, of w'ch I think my Accusers have fairly acquitted me in what relates to this Article. I mention these to Y'r Lo'ps Only to shew ye different behaviour of the Burgesses in Voting their Address and their Articles, Submitting to Y'r Lo'ps whether persons thus convinced of the falsehood of so many of the particulars laid to my Charge, and so Cautious in performing their Articles even to the taking off the force of them, could possibly

have been drawn into such a Charge without the greatest prepossession of their Judgments, and no time allowed them thereafter for better Information untill it was too late to recall what they had done, and had they happened to have Voted such Alterations in their Address as that the 3 first Draughts thereof, (w^{ch} were ready prepared before any Motion made to the House,) must have been Writt over again, my Adversary's plott had entirely Miscarryed, for all their hopes depended upon a Critical Moment in dispatching away their Compl't by a Ship that was then bound for England and the very last that was expected to Sail in a very long time, According to the Advice of their Agent, Mr. Byrd, to send home a Compl't, whether true or false, no matter w^{ch}, provided it made a Noise and qualified him for the prosecution he undertook for the Success.

That Yo'r Lord'ps may know the gen'l Sentiments of the Country upon this proceeding of their Burg's, I have inclos'd Copsys of the Addresses, w^{ch} I have already received from the several Countys, Signed by the principal Inhabitants. There are divers others prepared, w^{ch}, thro' the badness of the Weather, are not yet come to my hands, and some intended, w^{ch} have been deferr'd till their meeting of their County Courts, at w^{ch} all these Addresses are publickly prepared and Signed; and so inconsiderable is the party of Malecontents, that tho' they have used all their Endeavours to hinder the Signing of these Addresses, they have been able to prevail wth none but their own Relations and Dependants; the People of the greatest consideration generally detesting that ffaction and vying who shall be most forward in declaring their disapprobation of a Charge so Contrary to their Expectations and Sentiments. Having thus Explained by what Sinister Means and upon what Slender grounds a malicious, discontented party have procured a Compl't to be transmitted to their Sovereign, and shew'd how much the Country is dissatisfyed wth that Unrighteous Proceeding, I should have little more to add to Your Lord'ps' trouble on this occasion, were I not apprehensive y^t the Chief promoters of all this Noise and disturbance, ye discontented Counsellors, designed to begin where the Burgesses have left off, and by Dressing in a new forme the very same Articles w^{ch} the Burgesses rejected as Groundless, set Mr. Byrd to work to prosecute them, too, as the Grievances of the Upper House of

Assembly, or of so many as adhere to that party. I am the more inclined to this belief, because I am well assured that the heads of those Articles were prepared by those Counsellors and given to ye Burgesses; and that on the miscarriage of so many of them in that House, they would not conceal their Indignation and Resentment. To parry their first blow, I have here enclosed some gen'l Remarks on those Articles, wherein I have set forth ye true matters of Fact of such of them as relate to real disputes in Government, and endeavoured to Vindicate my Conduct in other points, wherein I am charged w'th Invading the Constitution and Oppressing the people, I, therefore beg Yo'r Lo'ps will be pleased to have recourse to these Observations, if any Charge shall be preferred against me by ye Council or their Agent upon the subject of these other Articles. Before I conclude this Letter, I entreat your Lord'ps' patience till I make some necessary Reflections on the Grounds of the present party feuds, and lay open what it is these Men so violently contend for, and then I shall leave it to Yo'r Lord'ps' Judgment whether their Clamours are not more against the power of the Crown than their Gov'r's Exercise of it. The first seeds of these Discontents were sowed upon the Disappointm't this Party met w'th in their Application for the Quitt R'ts in ye year 1714, and my refusing to concur in a project they had so much at heart has occasioned their Revenging it w'th the utmost malice against me ever since; but how unjust this will appear to your Lord'ps when you consider that the Q'tt R'ts of Virg'a are the King's proper Estate, they are acknowledgments his Majesty receives of the people's Tenure and Subjection, and out of these has the Sovereign always Assisted the Government here upon any Exigency whenever a Dutiful Application was made for the same, but these men not content, would petition the King that no part of that Revenue should ever be called out of this Government, his Majesty must, to please them, divest himself of the power of disposing of any part of this, his Estate, and must hereafter leave ye managem't thereof to the Governor and Council, and that, upon the view of getting the greater part of that Revenue appropriated to the private benefite of these very Counsellors who first framed that project, their Scheme being (as they imagined,) so well laid, that the hon'r of being of the Council could not fail of being * * * on ye same * *

now so numerous in it. When the hopes of obtaining this Grant of ye q'tt R'ts failed, their next aim was to render that Revenue of little value by obstructing all measures proposed for the due Collection of it, in so much that Colo. Ludwell, one of the heads of this party, chose rather to suffer a suspension from his Office of Auditor than put in Execution what is duly req'd. The Indulgence of the Crown in accepting Tobacco in lieu of money as ye Choice of ye Patentee, tho' the latter is expressly inserted in their Grants, will not content those men; They must be freed from all Obligations to ye payment of either, and their Governor must be Charged as a Criminal for endeavouring to obtain a just payment of these q'tt R'ts, even when he acts in pursuance of a Law. The extraordinary Power w'ch the Council enjoy of being the Supream Judges, both of Common Law and Chancery, (contrary to the Constitutions of all his Majesty's other Dominions,) w'll not satisfy these men unless the Crown w'll allow it to be their Right to be also ye sole Judges in all other Courts w'ch have Cognizance of Life or Member : This has been thrice determined against them ; They have seemingly acquiesced, and yet as if everything, tho' never so unreasonable or contrary to his Maj'ty's Prerogative, must be yielded to their Importunity, They have Spirited up a Party of the House of Burg's to Demand the same again without awaiting for his Maj'ty's Answer to their Complaint exhibited against their Governor as an Oppressor and Subverter of their Constitution, because he has not yielded up that Right w'ch the Council so unjustly Claim.

The Pious Care of the Crown, in Supplying these Plantations w'th Orthodox Ministers, and the Bounty of the Sovereign in defraying the Charges of their Passages out of his own Treasury, is so little regarded by these men that no L't Gov'r must presume to Collate any of these Ministers to any Ecclesiastical Benefice, tho' he is authorized so to do by his Maj'ty's Com'd and Instructions. Their Ministers must be left to their own Choice, and continue in the Benefices only during their good pleasure; Parishes must be kept vacant as long as the Vestrys think fit, and it is in their Sense a depriving of the people of their Ancient Rights and Privileges if a Governor attempts to pursue the power the King has given him to supply such Vacancys. The Negative w'ch the Crown has Com'd to the Governor, both in Council and Assembly, (so necessary for restraining

the Licence of either to ye prejudice of the publick Service,) is now disputed, and it is accounted Criminal in a Governor to refuse his Assent to whatever Laws shall be agreed to by both Houses, unless the same be particularly prohibited by some known Instruction. His Maj'ty must no longer retain in his Service at home any one whom he thinks fit to honour with the Chief Government of this Plantation, nor must he committ the Administration to a L't without incurring the Censure of this Party.

Whatever undutiful behaviour they use towards their Sovereign, or inhumanity to their fellow Subjects, no Governor must reprove them on pain of having his Speeches and Messages voted Scandalous, and his modest Expostulations represented to his Sovereign as a Crime. And lastly, none of this Party must be removed from any Office he enjoys, let his Conduct be never so irregular, but a numerous Chain of Relations shall combine, and ye most notorious Offenders Courted and Encouraged to bespatter the Character and Traduce the Administration of that Governor who has the boldness to attack any one of this formidable Party, that the disturbing the quiet of his Government and blasting his Reputation is the certain Consequence of his falling under their displeasure, and if, by spreading the most false Reports, they can so far poison the minds of the People as to obtain a number of men of like principles to be chosen Burg's, The publick Interest of the Country, as well as the Service of the Crown, shall be thwarted and opposed, Unjust Laws projected, under pretence of publick Liberty. Upon the Governor's refusing to concur therein he shall be sure to be Clamoured out of his Reputation and Post, to gratify their Resentments. If Y'r Lo'ps will be pleased to reflect on ye dissatisfaction during the Administration of S'r Edm. Andross and Colo. Nicholson, the Minutes of your own Board will inform You that a Blair and a Ludwell, w'th their kindred, were at the head of the several Factions against those two Governors and if an Inquiry had been, or was now to be made into ye Chief Complaints against both these Gent'n, the Colony in gen'l would be ready to declare most of what was laid to their charge to be groundless and Malicious; That the previous quarrels of these Men were prosecuted under the pretence of a concern for the Country, and the grounds of those Quarrels no other than what they are now,

the sole Direction of the Government, the disposing of all places of profite'emselves, and a selfish desire of lessening the Authority of the Crown, the better to ingratiate themselves with the Populace My Lords, as this is the true Character, these the principles and Practises of my present Accusers, (for I cannot look upon all who have been seduced by him as such,) it is my Duty to Represent, and I am Persuaded Your Lord'ps w'll seriously consider how much it is his Maj'ty's Interest to check the growth of this Faction. The repeated Successes they have obtained against two Governors has raised their pride to such a degree as to believe their Efforts irresistible. I am far from Aiming by this the Shifting their present charge against me, to ye Contrary, I begg nothing more earnestly than a strict Inquiry into the Truth and Justice thereof, and I am then confident of being justified as a faithful Servant to my Sovereign and a true friend to the real Interest of this Colony; but seeing it is given out by these men to encourage their friends, that they are Resolved while they have power to continue their Complaints, and that they are certain his Maj'tie's Ministers w'll at length be so tired out that they must for their own quiet change the Administration, I cannot think I should discharge my duty to his Maj'ty if I did not represent to yo'r Lo'ps that as nothing is more beneficial to Governm't than the hearing and redressing Just Grievances, so there is nothing more pernicious than Yielding that to importunity w'ch cannot be allowed w'th Justice or Reason; That Men who once gain their point by Clamour and Detraction will always be tempted to try the same Experiments; That it is in Vain to expect that any concessions whatsoever satisfy such as are uneasy under all Governments. They may on some occasions Alter their professions but can never change their Nature, and the only way to free ye Gov't of the bad influence such men have on publick Affairs and to make them easy to themselves, is to strip them of ye power of doing harm, since they want the Inclination of Doing Good. If such a Course be not taken now, by removing out of the Council here those turbulent persons who only use ye Post his Maj'ty has honoured them with to the prejudice of his Service, His Majesty may change his Governors, but the publick feuds w'll only be laid a Sleep for a while till the same men think it their Interest to stir them up a new—for it is impossible but the same causes should

produce ye same Effects, the sore by being skin'd over without a perfect Cure w'll break out with greater Malignity whenever fresh humours falling into, open it, and w'll be attended w'th more dangerous Shocks to the Constitution than can be now foreseen. That I am under the necessity of troubling Y'r Lo'ps' Board w'th such long Representations as these is my greatest concern; for having already had sufficient Experience of Y'r Lordships' penetration and Justice, I don't in the least doubt of approving myself in the end to be that sort of Ruler w'ch the Gen'l Vote of the Country, by their Addresses declare me to be, And as that from the County of King and Queen sets forth my Administration in the most particular manner, I must intreat Your Lordships' perusal of the same, hoping that the numerous testimonys thereto, that Address being subscribed by all the Justices and Officers of ye Court, by all the Clergy of the County, and by more than an roo of the princip'l Inhabitants, will gain some Credit at y'r Lord'ps' Board, and may serve to stand against ye Gen'l and hasty Charge of my 22 Accusers, w'ch is now so flatly, Deliberately contradicted under ye hands of almost all ye Inhab'ts of the Colony, And untill my Adversarys can make good their Accusation, I hope I may deserve Your Lord'ps' protection, w'ch w'll ever be gratefully acknowledged by him who is w'th great Respect, &c.

May ye 26th, 1719.

To Secretary Craggs:

SIR:

By his Maj'ty's Ship, the Dral-Castle, w'ch arrived here ye — Ins't, I had the hon'r of Yo'r's of ye 24th of Dec'r, w'th the King's Declaration of War against Spain, and the Commission and proclamation mentioned in Yo'r Letter, and in answer thereto, can only beg leave to assure you y't his Maj'ty's Commands shall be punctually Obeyed.

The intimation you are pleased to give me that ye rumors of exacting great Sums on the Surrender of Pyrates is not meant

to me, is extreemly obliging, as it serves to make me easy, who have had too much cause given me of late to be otherwise through the Misrepresentations of my Enemys, tho' in this particular I might defy Malice it Self to fault my Conduct, having never received the value of one penny from any of the Pyrates that have either Surrendered or been pardoned here; And tho' there have been 14 or 15 who Surrendered, and had Certificates under the Seal of the Colony, for w'ch the Clerk was allowed to demand five Shillings a piece, yet I am well assured that no more than five paid any thing at all; And of Seven that have rec'd their pardons, only one has paid the Attorney-Gen'l the common fee he receives for making out the like pardons even for a Condemned Negro, and he, too, was a person of a very notorious Character for his Piracys, and had his Money restored to him after he had been Condemned, because there was no proof of its being piratically taken, but if these common fees to ye Officers are intended by his Maj'ty to be likewise Remitted upon the least Intimation, I shall direct those Officers to dem'd no more.

Having in my last taken Notice of some Goods in the possession of Thach and his Crew of Pyrates in North Carolina, w'ch were brought hither by Capt. Brand, of his Maj'ty's Ship, the Lyme, and the other Officers of the Sloops sent for Suppressing that Gang of Villains, I think it necessary now to informe you that these Goods, being proved to be piratically taken by this Thach in a ffrench Ship bound home from Martinico, have, by a Decree of the Court of Vice Admiralty of this Colony, been condemned as such, and being perishable, have been sold at publick Auction, the produce whereof in ye same Species for w'ch it was sold, amounts to 447 ounces — penny weight of Spanish Gold, w'ch is of Virg'a Currency, £2,238; and is ready to be paid, after the necessary Charges of Transportation from Carolina, and of the Storage and Sale, are deducted, to the Owners, if they claim the same, or to whomsoever his Maj'ty shall appoint. But, it's fit also to Represent to you that notwithstanding the Governm't of No. Carolina admitted Thach and his Crew to make Oath that this ffrench Ship and Cargo, which he brought in thither, was found by him as a Wreck at Sea, without Men or Papers, tho' the same Government suffered these Effects to continue for some months in the possession of these Pyrats, and tho', after Thach was killed and his whole

Crew subdued, the Effects, w^{ch} had been Landed by Thach, were, by Order of the Governor of No. Carolina, voluntarily delivered up to Capt. Brand, Yet a pretension has been set up by that Government to have the whole of these Effects delivered up to them, as of right belonging to the Lords Proprietors, being once upon their Soil. At first they only claimed them as Wreck, but when it plainly appeared that they were not Wreck, but piratically taken, then the Gov^r claimed a Right of having those Goods Tried and Condemned within that Province, and after the Court of Vice Admiralty was proceeding legally on the Condemnation thereof, a Plea was put into the Jurisdiction of that Court, and it was insisted that these Goods ought to be returned back to No. Carolina to be Try^d and adjudged there. And when that Plea was over ruled, Captain Brand is then threatened to be prosecuted in England for a Trespass on the Lords Proprietors' Lands. And, w^{ch} is yet more surprizing, there are some in y^t Government y^t endeavour to Justify Thach and his Crew as very honest men, and to condemn the Officers and Men belonging to the King's Ships as Murderers for attacking and subduing them, When it is notorious that after they surrendered in y^t Province, and rec^d the benefit of his Maj^{'ty}'s Mercy, they went out again on the same piratical design, not without the privity of some in principal Stations in that Gov^t; took this very Ship after the date of his Maj^{'ty}'s second pardon, and committed other Acts of piracy, even within that province, and at last fought against the King's colours, and would not surrender when they were told they should be treated as Friends. Seeing, therefore, Capt. Brand, is like to be troubled in England for the greater part of these Effects w^{ch} were Landed in Carolina, I have caused the whole produce to be remitted into England, that in case he should be condemn^d to pay ye same to the Lords proprietors, it may be ready for that purpose. But I am confident, when his Maj^{'ty} is truly informed how little ground there is for such a prosecution against a Gent. who has done nothing but his Duty, being sent hither for the very intent of destroying pirats, His Maj^{'ty} will be pleased to grant him his protection. And tho' I am Credibly inform^d that Affidavits are taken in No. Carolina to contradict what has been plainly proved here upon the Tryal of the pirats, and to prove that Capt. Brand took away these

piratical Effects by force, I hope the Lords proprietors themselves w'll give little Credit to such Clandestine Testimonials when they shall know how dark apart some of their Officers have acted, particularly one who enjoyed the post of Secretary Chief Justice, one of their Lord's p's Deputys and Collector of the Customs held a private Correspondence w'th Thach, concealed a Robbery he committed in that province, and received and concealed a considerable part of the Cargo of this very french Ship w'ch he knew Thach had no Right to give or he to receive, admitting ye same had been Wrecked Goods as was pretended. But it would be too tedious to relate how many favourers of Pirats there are in these parts, and even in this Colony had they power equal to their Inclination. People are easily led to favor these Pests of Mankind when they have hopes of Sharing in their ill-gotten Wealth. I have had the Experience how little some are able to bear being abridged of their profite, from what vile means soever it comes, having raised up a very industrious and implacable Enemy by reprimanding a prime Lawyer here for prosecuting an unjust Action in behalf of a notorious pirate who was condemn'd and owed his Life only to the seasonable Arrival of his Maj'ty's second gracious pardon. I will not hear trouble you w'th anything relating to the Accusation of the Burg's against my Self since I have also sent Copys of the Addresses of 21 Countys out of the 25 in this Colony, as also of the Clergyⁿ and Grand Jury disavowing all that proceeding of their pretended Representatives. As that of the Grand Jury is to his Maj'ty, I have transmitted it to my Lord Orkney, not doubting his Lo'p w'll use your Advice and assistance in the presenting it, And I hope these publick Testimonys of my Administration will serve to Balla. the rash Accusation of a small part of the Burg's's, and preserve me a place in y'r good opinion and protection, w'ch I shall ever acknowledge w'th the Gratitude y't becomes me, being with the greatest respect,

S'r, y'rs, &c.

ⁿ See *Perry—Church Papers, Virginia*, p. 209.

May ye 26th, 1719.

To the Lords of Trade:

MY LORDS :

Since my last to y'r Lo'ps, of w'ch a Duplicate is Inclosed, I have not had the hon'r of any of Yo'r's, nor do I remember any Com'ds I have received from Yo'r Lord'ps w'ch are not already Answered. I shall not trouble Yo'r Lo'ps on the Subject of the late Accusation against my Self since Duplicates of my Answer to the Burg's's' four Articles and My Remarks on ye others, w'ch are Attempted to be Voted ag'st me, are here Inclosed, together with a Compleat Collection of all the Addresses w'ch have been fram'd in Relation to that Proceeding. If a sudden Rumour, stirred up by some Malignant Spirits, produced that Rash and Unjust Charge against Me, I hope the Voluntary and deliberate Testimonys of the principal Gent'n and Inhabitants of 21 out of 25 Countys of Virginia, of the Body of the Clergy at their late Convention, of the Grand Jury of the Colony disavowing the Proceedings of y't Party in the Ho. of Burgesses, w'll show how groundless are the Clamours and how Disagreeable to the Gen'l Sentiments of ye People the Designs of my present Adversarys.

The Address of the Grand Jury being to his Maj'ty I have transmitted the Original to my Lord Orkney, to be presented, but a Copy thereof is here inserted. As this Grand Jury consist'd of 21 of the Principal Gent'n of the Country, I doubt not their Testimony of my Administration w'll Ballance at least the Address of the 22 Burg's, since even some of them disown the part they had in it, and, indeed, such is the Gen'l Resentm't of the People against that Party that scarce one of them would ever be chosen Burg's again, were it not for the Awe y't ye Discontent'd Counsellors carry over those whose Law Suits must come before them, and who are sure to feel the Weight of their Resentment, if they Act contrary to their Interest, but if his Maj'ty pleased to shew some marks of his displeasure ag'st this Set of Men who have continually embroiled the Governor, and remove some of them out of the Council, Partys would soon cease and the Country enjoy in quiet ye fruits of that Plenty and Peace, w'ch it now

more remarkably possesses than since its being a Colony. But I have already represented to Yo'r Lord'ps enough of my Opinion on this Subject, and shall Submitt to his Maj'ty's pleasure, if these men are still thought fitt to be Employed. I must struggle as well as I can in the King's Service, and if I am unable to accomplish what I would for his Maj'ty's Interest, I hope it will be considered how little Assistance I have from Counsellors, who study more to ensnare than to advise me, while the same Men remain in the same Posts, it being rare to find Men moderate their Desires when they have once found the way of Carrying what they aim at, but this may concern others more than Me, and, perhaps, when the Disease will require Stronger Medicines, and so shall leave it, and should not have said so much, (being very Confident of preserving the Colony in quiet and in a due Submission so long as his Maj'ty thinks fit to continue Me,) but that while I've ye hon'r to Serve in this Station, it is my Duty to Represent to his Maj'ty's Ministers what I judge necessary for his Service.

I herewith transmitt Duplicates of the Journals of the Assembly and of the Laws, neither of w'ch need any Comment; I also send by this Conveyance the Journals of Council to this time, In w'ch I shall only trouble your Lo'ps w'th two Observations: The first is, that the Council on ye 9th of Dec'r have more plainly yielded up their pretensions to the sole power of being Judges in the Courts of Oyer and Terminer, upon w'ch I appointed 'em, without joyning w'th them any other Gent'n to be the Judges of the Court held the next day. The other is, that divers Pirats having been taken and brought hither for Tryal, and no fund being Settled, nor directions given for defraying the Charge thereof, the Council, having ascertained the allowance of ye Offic'rs and Witnesses attending the Courts of Admiralty held for that purpose, and given their Opinion that the same ought to be paid out of the Revenue of 2s. $\frac{1}{2}$ hhd., And as there have been four Courts held for the Tryal of Pyrats bro't in at divers times there w'll be a considerable Charge on that Revenue for that Service. And here it may not be improper to remark that notwithstanding the Mighty Contention that has been raised for ascertaining ye Rights of the Council alone to be Judges on the Tryal of free Subjects, yet of the Eight Counsellors y't Signed the Remonstrance of y'r Lo'ps, and so strenuously insisted on

this Right, only two would sit on the Tryal of the Pyrats, tho' they are certainly under the denomination of Free Subjects as well as other Criminals, who are tryed at the Courts of Oyer and Terminer, but the reason is obvious to all the Country, that in the Courts of Oyer and Terminer there's £100 to be Shared among the Judges, and in the Courts for Tryal of Pyrats nothing at all. Seeing therefore the Profite has been the Temptation to the dispute about these Courts of Oyer and Terminer, I can't but repeat what I have before propos'd to y'r Lo'ps, that the allowance for these Courts be discontinued, and it is the more necessary at this time to ease the Revenue of that Charge because of the accidental Expence w'ch has arisen upon the Tryal of the Pyrats, and that for the future some allowance be ascertained for the Judges appointed for tryal of Pyrats, as being of much more Consequence than the other Courts, as such Villains are more pernicious than Common Felons, and it looks very unequal that Gent'n should be called together for several days to Sit on the Tryal of a number of Pyrats without any consideration, when the Council, at their last Court of Oyer and Terminer, w'ch held but one day, shared £100 among 'em for only trying a fellow for a Silver Spoon. Yo'r Lord'ps w'll herewith receive the Acco't of his Maj'ty's Revenue of Q't R'ts, and that of the 2s. 8 hhd. for the last y'r, As the same were passed last Month. In the first, there is in Bank, after all the Salarys thereon are paid, £6,791. 7. 7½., And the latter has discharged all the Salarys and Conting't Expences of the Government, tho' very few of the Ships were cleared at the time of making up that Acco't, So that there will, in probability, be more accounted for next Octo'r than w'll be necessary for one whole Year's Expence of the Gov't. In this Acco't y'r Lord'ps will find that the Money arising by the Sale of Rights for Land, Amounts in this one Year to upwards of £300, w'ch is more than they ever yielded before in two, And I hope may serve to Satisfy yo'r Lo'ps that the Regulation I made in the manner of Sale, and accounting for those Rights, has not been useless nor unprofitable to the Government, tho' that be one of the Innovations w'ch my Adversarys cannot forgive me, and had the Audit'r entirely pursued my Scheme for Collecting of the Q't R'ts, as he has thought fit only to do in part, that Revenue too might have been turned to a better Account than it is.

That Yo'r Lo'ps may have at once a view of the whole Revenues of this Colony, I have here likewise Enclosed an Acco't of the produce of the Dutys on Liquors and Slaves from the year 1710 to the Determination of the Law in Dec'r, 1718, By w'ch Your Lord'ps may observe that after finishing a House for the Governor, (w'ch was little more than begun when that Duty was laid,) Assisting No. Carolina in their Indian War and fortifying our own Frontiers, building a publick Magazine, a prison, and contributing towards the building of the Church at Williamsburg,²² and lastly, of paying for the suppressing of Pyrats, works as much for ye Interest as hon'r of the Country. There is a Bank of £17,872, remaining for the publick service of the Country, on any future Emergency, And if Yo'r Lord'ps will be pleased to look on the Paper No. —, w'ch is an Acco't of the Sum of Tobacco Levyed by ye Poll since the year 1715, and amounts to no more for 3 Years past than seven pounds and q'rt'r of Tobac'o on every Tithable person, I believe y'r Lo'ps will not be of Opinion that a Country so rich in its publick Treasure and so moderate in its Taxes, is at this time groaning under such grievous oppressions as some of its Representatives would insinuate. How far I have deserved their Resentments for the part I have had in bringing the Country to this Condition, from ye State of Poverty and Debt I found it in, must be left to Yo'r Lordships and those who shall be my Judges in ye Impeachm't I ly under.

In Obedience to Yo'r Lord'ps' Commands, I have demanded of the Naval Officers Acco'ts of the Imports from ye Western Islands and Madeira for the last Year, ending at Lady Day, but find there has been none, and because I would not trouble Y'or Lord'ps w'th Multiplicity of Papers to no purpose, I have only Inclosed No. —, one of those Acco'ts, all the rest being of the same forme and purport.

Having by my former Letter advised Your Lord'ps that Sundry Effects, piratically taken by one Thach and his Crew, were siezed and brought hither from No. Carolina, I am now to Inform Yo'r Lord'ps that the same has been condemned by the Courts of Vice Admiralty, And, consisting of Sugar, Cocoa and

²² For the specifications of this work—the addition of wings to the Bruton parish church, see *Cal. of Va. State Papers*, i, pp. 174–5.

other perishable Commodities, have been sold at publick Auction, And because there is like to be some Controversy about the Property of those Goods, I have caused an Acco't to be taken of ye produce in the same Species as the Goods were sold for, which amount to four hundred and forty seven Ounces — penny weight of Spanish, French and Portugal Gold, and at £5 ⁸/₁₆ Ounce is, in the Currency of this Country, £2,238—out of w'ch is to be deducted the Charges of recovering ye s'd Effects out of the hands of the Pyrats, the Transportation from Carolina, the Storage and Expence of the Sale. As to the Right of these Effects, it appearing that the same were taken Piratically by Thach in a French Ship w'ch he met to the East ward of Bermuda on the 22nd of August last, and bro't in w'th him to No. Carolina where he burnt ye Ship, If the Owners make out their property, the produce must be paid to them according to his Maj'ty's Treatys, allowing a usual Salvage to those who rescued them from ye Pyrats. If no Claimer appears and that the same comes to the King, no doubt his Majesty w'll think fit to rew'd the Officers of his Ships and others Concerned in so considerable a Service as the destroying that Crew of Pirats. But there is an unexpected pretension set up for these Pyratical Effects by the Gov't of No. Carolina as being taken within the Seas of the Soil of the Lords Proprietors, by Capt. Brand, of his Maj'ty's Ship, the Lyme, and the Officers of the Sloop sent against Thach. What tittle that Gov't has to Support the Claim, they have not thought fit to discover, but when the Goods were under the Tryal of the Court of Vice Admiralty here, a Plea to the Jurisdiction of y't Court was put in by that Government's Attorney here, and after that was over-ruled, and the Goods appointed to be sold, and the Money Lodged in my hands pursuant to the King's Instructions, Capt. Brand is then Threatened to be sued in England for a Trespass on the Lords Proprietors' Lands, and made accountable for all he had taken there out of the possession of the Pirats. This has obliged me to Cause the produce of these Effects to be remitted to England; that if Capt. Brand should be troubled there, and the money recovered by the Proprietors of Carolina, he may have it there to pay rather than suffer in his private Estate till he could have the money remitted from hence; And this I could not, in Justice, deny to a Gent. who had show'd a

particular Zeal and Diligence in Exterpating that Nest of Pirats, but, at the same time, if no such recovery shall be had by the Proprietors of Carolina, the money will be secured according to his Maj'ty's Instructions, and w'll always be ready to be Answered to whomsoever it belongs.

It is surprizing that the Government of No. Carolina should now Claim the property in these Piratical Effects, when it fully appeared that they submitted Thach and his Crew to make Oath that the Ship and Goods were found by him as a Wreck at Sea; that they suffered the said Goods to remain in the possession of that piratical Crew for divers months, untill Thach was destroyed, And then the Goods were delivered to Capt. Brand, (out of the Store-houses where Thach had Lodged them,) by the Gov'r of No. Carolina's Ord'rs, but this Conduct of theirs w'll be easily unriddled when it appears that some in Chief Stations there have had too much Correspondence w'th those Pirates, particularly one who held the office of Secretary Chief Justice, one of the Council, and Collector of the Customs, appears to have been privy to one Piracy of Thach's committed in that very Province, and can hardly be supposed ignorant of the Piratical taking of the French Ship, when he received and Concealed a considerable part of her Cargo; and if he did believe her to be a Wreck, as Thach pretended, he must know that Thach had no Right to give, nor he to receive, other Men's Goods, w'ch ought to have been secured as the Law directs. Since the Sale of these Goods, Mr. Grymes, the Dep'y Auditor, has Claimed a Right to Audit the Acco'ts and to have 5 ⁰⁰ C't. for his Trouble. I told him he might, when he pleases, have the inspection of the Accompts, y't nothing might be Charged therein but what was fit and usual, but that the property was not Yet determined, it would be but ill Management if the Owners had the money, to allow him a Salary for examining the Acco'ts of their proper Estates, and if the Proprietors of Carolina should recover it, I doubted whether they would allow him that profit, but if it came to the King, his Maj'ty might give him what he thought fit for his trouble; but being uncertain of receiving any profite, he has troubled himself no farther. Having now laid before Yo'r Lo'ps all that I judge of Consequence in the publick Transactions of the Gov'nm't, I have only to add that the Colony continues in Peace on its Frontiers and flourishing in its

Trade, and except among a few MaleContents, impatient to see the Effect of Disturbances they have been fomenting, I believe none of his Majesty's Dominions enjoy a more perfect Tranquility.

My Lords, &c.

Aug^t 18th, 1719.

To the Com^rs of ye Customs:

HONO^R'D GENT^N:

Some days agoe your Collector in the lower District of James River came before me, in Order to make Oath to an Acco^t of the Duty of a Penny $\frac{3}{4}$ H. for the half Ending at Lady-Day last, the Acco^t w^{ch} he Exhibited, and of w^{ch} I here Inclose a Copy, was only Gen^ll as to the Quantity of Tobacco Exported in each Vessel, without Specifying the Marks, Numbers and Contents of each Cask, as is Customary wth the other Officers, and because I had some Intimation that he had not given me in true Acco^t, and having made some former Discovery of other irregular practices in the Execution of his Office, I refused giving him his Oath unless he would prepare a more particular Acco^t, mentioning the Marks, Numbers and Weights of each Cask, and by whom Shipt, that the Governors of ye College, (to whom that Duty is appropriated,) might be able to detect any frauds in the Collection or Accounting for it; but this he positively refused to do. Now, as this Gentⁿ is bound for England, and probably designing to fault me for not Swearing him to his Acco^t, I think it proper to lay before yo^r hon^{ble} Board the Reasons w^{ch} induced me to be thus Scrupulous. I had not long before rec^d Information that about two years agoe One Jno. Armistead paid this Collector for 929 lb. of Tobacco in Two Hhds., w^{ch} were intended to be put on board a Sloop bound for Barbadoes, and that upon Information that these hhds. contained a greater quantity, the Collector went on Board, Weighed the hhds., and found they contained 100 more than Duty had been paid for, upon w^{ch} he Seized the Tobacco, and the Freighter, not willing to Involve himself in any Charge in Defending thereof, yielded up the

whole without bringing this Seizure to my Condemnation or Accounting for the King's or Gov'r's Thirds to Mr. ffitzw'm, then on board the Sloop. Mr. ffitzw'm sold these hhds. to one Mr. McKenzie, who paid him a second time the Duty for the whole, and yet in the Acco't w'ch this Gent'n has made up there is no Notice taken of any Duty received from Armistead, the first Shipper, nor hath he accounted for the Dutys of more Tobacco Shipt by Mr. McKenzy than only 920 lbs., altho' he Seized these two hhds. from Armistead, because they contained a greater quantity. It is proved that these hhds. were never taken out of the Sloop before her departure, nor ye hhds. opened, And it also appears by a Certificate from the Owner of the Sloop that these very two hhds., being damag'd in the Voyage to B. B., Mr. McKinsey obliged him to pay for 1,300 lbs., w'ch he affirmed to be the real Weight of that w'ch Mr. ffitzwilliams has Charged in his Acco't only at 929 lbs., and allowing this to be so, it is manifest Mr. Fitzw'm rece'd the Duty of 1,320 lbs. of Tobacco more than he has accounted for. The Inclosed Copys of Depositions will informe you of Mr. Fitzw'ms' practice w'th the purser of the Pearl Man of War to grant him a Bill of Store for a great Quantity of Tobacco to be carried to Barbadoes without paying any Duty, in consideration that the purser would by y't Tobacco of him at a higher price than it was then commonly Sold. How far the giving this Bill of Store is agreeable to the Acts of Trade and your Instructions, w'ch prohibite giving any for ye enumerated Commodities, is Submitted to the Consideration of your Board, for if the Tobacco was to be expended on Board the Man of War, there was no occasion for granting such a Bill of Store for it, any more than there is here for a planter's taking a permitt for smoaking Tobacco in his own House, but it is plain, by the purser's Acknowledgm't, that ye Tobacco was intended to Sale, and the Price a Composition paid in lieu of the Duty.

I had likewise Reason to suspect a person who, in the Case of the Seizure of a Vessel by the Naval Officer for a breach of the Acts of Trade, finding that he, as Collector, could not have ye benefite of the 3d of that Vessel, if condemned, took upon him the Office of an Evidence against the King, and without being called offered his testimony to clear that Vessel; a Copy of that part of the Tryal I have here Inclosed. These extraordinary practices of the Collector, with the intimation I had given Me of concealments in ye Acco'ts he exhibited, gave

me occasion to my demanding a more exact Specification of the Freighters and Tobacco mentioned therein, And, upon examination since, I find my Information was true, for, in the Article said to be Ship'd by Robt. Tucker and Wm. Cocke, Esqrs., it appears by their Acco'ts w'th ye Collector that instead of 11,031 lbs. of Tobacco, w'ch Mr. Fitzw'm Acco'ts for, there was Ship'd by Mr. Tucker 10,931 lbs., and by Mr. Cocke about 1,200 lbs., for both w'ch Mr. Fitzw'm rec'd the Duty, and has, according to his Acco't, sunk in his own pocket ye Duty of 1,100 lbs. thereof. There are, also, some other Articles on this Acco't, wherein it appears by the Freighter's Acknowledgm't that due Credit is not given for the Dutys paid by them, but whether these are mistakes or wilful Errors I don't take upon me to say; but it is certain the first mentioned Article can be no other than a designed fraud, seeing Mr. Tucker alone p'd within 8s. 4d., as much as the whole Sum w'ch Mr. Fitzw'm has accounted for.

I hope I may be allowed to say thus much in Vindicacon of my Self, without insisting on this as a Complaint against Yo'r Officer, being sensible You are the proper Judges of his Conduct, and believing You will have Representations against him from other hands, particularly from the Capt's of the Men of War, who have but too much reason to Complain of his behaviour in Countenancing Pirates. This I must say: that all the Neighbouring People in that District murmur exceedingly at the unnecessary trouble and vexation he gives them, and were they not aw'd by ye Interest he boasts of, and the fear of worse usage upon his return, they would unanimously come into a Petition to y'r Board to ease them of One who is a greater Disturber of fair Traders than a discourager of illegal ones.

Gent'n, &c.

Feb'ry ye 1st, 1719 [1720].

To the Board of Trade:

MY LORDS:

On the 27th of Nov'r I had the hon'r of Y'r Lo'ps' Letter of the 26th of June last, w'th the sev'l papers

therein referred to. It cannot but be a singular pleasure to me, amidst the difficultys I meet here, to find my endeavours for his Maj'ty's Service acceptable to Your Lo'ps, and I shall ever think my Self bound with the greatest gratitude to acknowledge the generous offers of Protection w'ch Yo'r Lord'ps have been pleased to make me. The Querys, w'ch I received at the same time, requiring some particular Returns to be made from the several parts of the Colony, I must beg leave to delay answering them till ye next Conveyance, when I hope to send Your Lord'ps a full and satisfactory Acco't of the several matters contained therein, and shall only here apply my Self to what I conceive more immediately necessary, w'ch are that of the Mississippi Settlement, and the Importance of adding St. Augustine to the British Acquisitions on this Continent. As to the first, there can be no doubt but that the French Settlement on Mississippi will, (without timely precautions,) greatly effect both the Trade and Safety of these, his Maj'ty's Plantations. Tobacco, Rice and other Commoditys, w'th w'ch the greatest part of Europe is now supplied from these Plantations, will, no doubt, be cultivated and produced in this new French Settlement, and they w'll become our Rivals in that Trade in all floreign Mark'ts. By this means his Maj'ty's Subjects employed here in that Manufacture will be discouraged ; the British Navigation must decrease in proportion as the French advance in that Trade, and the Revenue of the Crown, of course, very much diminished. The danger w'ch threatens these, his Maj'ty's Plantations, from this new Settlement, is also very considerable, for by the Communication w'ch the French may maintain between Canada and Mississippi by the conveniency of the Lakes, they do, in a manner, surround all the British Plantations. They have it in their power, by these Lakes and the many Rivers running into them and into the Mississippi to engross all the Trade of the Indian Nations, w'ch are now supplied from hence. They may, by possessing themselves of the Passes of the Great Mountains, w'ch ly between Us and the Lakes, Either by themselves or their Indians, fall upon and over-run w'ch of these Provinces they think fit, And seeing, by their late Siezure of Pensacola from the Spaniards, their design seems to be to extend their Dominions Eastward from Mississippi towards South Carolina, It is certainly the British Interest to put a stop to

their Advancing any further that way, w'ch, in my Opinion, w'll be best Effected by possessing our selves w'th some places on the Coast of Florida, and forming a Settlement as near as can be to cramp their's, w'ch leads me to consider the other part Yo'r Lord'ps desire to be informed in, vizt: The Importance of taking St. Augustine from the Spaniards.

St. Augustine is a small Fort on the North East part of the Coast of Florida, w'th a Village adjoyning inhabited by about 2 or 300 Spaniards. It seems to be rather kept to preserve the Spanish Title to the Territory of Florida than for any profite that Crown receives thereby. The Harbour admits Vessels of small burthen, but the Barr w'ch lyes some Leagues off is dangerous for great Ships to enter. The Garrison generally kept in the ffort is inconsiderable. But as ye Bahama Islands on one side and the Florida Coast on the other forme that Streight w'ch is called Gulph of Florida, through w'ch not only the Spaniards in their Return from ye West Indians do, but the ffrench from their new Settlement must necessarily pass, This place may be of vast Consequence to Britain whenever a War shall happen with either of these Crowns, it being impossible for their Ships to pass through the Gulph without being discovered from either one side or the other, and, therefore, lyable to become prize to any of our Men of War or Privateers that may be placed on y't Station; So that, in Case of a Rupture w'th France, the whole Trade of their Mississippi Colony may, by that means, be destroyed. But I would also humbly propose, that besides the taking of St. Augustine, the small Fort, or rather Battery of St. Mark, may be attempted. This place lyes on the Western side of Florida, in a Bay called the Bay of Appollachoe, and is of small strength, being kept by ye Spaniards in the same manner as St. Augustine, to preserve a Colour of possession in Florida. From hence it is I would propose to forme a Settlement to check that of y't of Mississippi, and to extend Westward upon it, whereby we might Share w'th them at least in the Indian Trade, and keep a Balla. of those Indian Nations in our Interest, and in Case of a War, be able to annoy them from thence. Besides these two Settlements, it may not be improbable but that a good Harbour may be found among ye Islands at the Cape of Florida, w'ch might be a proper Station for Men of War or Privateers to interrupt the Spanish or

French Trade from the Bay of Mexico, that Promontory lying almost in sight of the Havanna, and no other way for their Ships to return to Europe but through that Passage. This would also prove a security to our own Trade from Jamaica, w^{ch}, for want of places of retreat for Merchant-Men and Cruising Ships on that Coast, are often exposed to the danger of Enemy's Privateers, as well as to Storms w^{ch} frequently happen there. That your Lord'ps may have a Clearer Idea of the places I have now been describing, I herewith transmit a Draught of the River Mississippi and the Rivers Communicating with it and also of the Sea Coasts along the Bay of Mexico and Gulph of Florida. This I copy'd from an Original Draught of one Mr. Hughs, an English Gent., who had a particular fancy of rambling among the Indians, who, (as I heard,) was killed by some French Traders last war at one of the Chickasaw Indian Towns. In it yo'r Lord'ps w'll see the many Navigable Rivers that branch out from the Mississippi towards the English Plantations, and the Situation of the several Indian Nations wth whom both we and the French Trade. Yo'r Lord'ps w'll thereby observe that most of those Nations are more contiguous to the French Settlements than the English, and have been hitherto kept in our Interest by being more plentifully supplied with Goods from the English than the French could afford them. I am also here to observe that the French have of late begun a traffique with the Coosta Indians, living upon a River of that name not far from the Cherokees, and it is to be feared they will soon get footing too among the latter, the people of So. Carolina having already abandoned y^t Trade, and our Virginia Traders like to do so too because of the low price of Skins and furs in England and ye high Duty thereon, especially on furs, so, that unless those Dutys be lessened, whereby Encouragement may be given to prosecute the Indian Trade, the Great Nation of the Cherokees will soon fall into the French Interest, and as these are the nearest and most considerable Body of Indians on our Southern frontiers, and consist of upwards of four thousand fighting Men; so they have generally been very friendly and Affectionate to the English, and are the only Indians we ought to depend on to balla. the North'n Nations if they should attempt to be troublesome to these Plantacons. I could add a great deal more on the manner of Attempting St. Augustine and St. Mark; on the

Methods most practicable to forme a Settlement in those Parts, And the means to be used for acquiring possession of the Lakes on the back of Virginia, nor would it be hard to demonstrate of how great Consequence it is to the British Interest to put such Schemes forthwith in Execution, but the Distance is too farr and the Conveyance too uncertain to display these Matters in a Letter, And, therefore, if his Maj'ty thinks fit at this time to take measures for Strengthening the Trade and Interest of his Dominions in these Parts, I do, with all Submission, offer to come home to lay these Matters more fully before yo'r Lord'ps, if his Maj'ty thinks fit to give me leave without prejudice to the Post I enjoy here by his Maj'ty's Goodness. Those who knew me in the Army, while I had the hon'r to Serve as L't-Q'r-M'r-Gen'l under my Lord Cadogan, w'll, I doubt not, allow I had acquired there some Reputation in conducting Military Projects, and as I look upon the present design to be of the last Consequence to the Service of my King and Country, I am very desirous to Contribute all that lyes in my power towards accomplishing it, and I hope thereby to Convince my Friends who blamed Me for quitting the Expectation of preferment w'ch I had in the Army, to go to be buried in obscurity in America, that tho' I have been secluded from a Military Station these ten Years past, I have neither been indolent nor unactive to informe my Self of such means here as may be of use to my King and Country, if ever there should be occasion offered for enlarging his Maj'ty's Dominions in these Parts, or Chastising his Enemys. I have many Mapps and Draughts drawn from my own Observations in my Travells through the uninhabited parts of this Colony. I have others from the Information of the most Credible and Intelligent persons I have met with here; some from the Acco'ts of our Traders, and others from the Relations of Indians, all w'ch I could explain much better in Person than I can make them understood at a Distance; besides that, there is no body here that can put them in a proper Dress or copy them exactly, (being obliged to Copy this I now send yo'r Lord'ps, w'th my own hand,) I have also informed my self of the Nature of the Country where the Designs are to be executed, the Temper and Inclinations of the Indians, and how to gain their friendship, and how such a body of men as may be necessary may be supplied w'th Provisions, all w'ch are very necessary to be considered

before any Expedition is formed, for I should be sorry to see this, like the Canada Expedition, begun and to have Pilots and Provisions to Ask for when we ought to be in Action. It is wth a sincere intention to be assisting in these particulars, and to have such share in the Execution as his Maj^{ty} thinks fit to give me, that I propose my having leave to return to England at this time, w^{ch} is what is often granted to Gov^{rs} here for a twelve Month or such a Time, when either their Health or private Affairs require it, and I hope may be Granted on either of these pretences without discovering the true design of my Voyage. All I have further to desire, in case what I here propose is approved, is, First, That the person who acts in the Administration during my Absence may be contented wth the perquisites of the Govern^{mt}, reserving to me ye Established Salary; for I do not suppose Y^r Lord^{ps} are unacquainted y^t my Lord Orkney has one-half of the Salary; And, 2^{dly}, that I may have one of his Maj^{ty}'s Ships on the American Station, if one can't be sent on purpose for my Transportation, being very unwilling to trust myself to the mercy of the Pyrates, now numerous in these Seas, after having so highly provoked those Miscreants by the Justice I have done on such of their Comrades as have fallen into my hands. I would offer that such Man of War as should be appointed for me have Orders to Carry me to So. Carolina, in case I should find it necessary to informe my Self what assistance may be obtained there, as being near to St. Augustine. I hope I may have the honour of Y^r Lord^{ps}' Com^{ds} on this head so soon as that I may get home, and return on this intended Expedition this year, it not being advisable to Attempt anything towards Florida till after the month of August because of the Tornados and Hurricanes w^{ch} happen about this time of the Year. Yo^r Lord^{ps}' desire to be informed of the Success I or Brigad^r Hunter have had in Settling a forme of Peace wth the five Nations. All I can say is that after ye repeated assurances of those Indians had given to Brigad^r Hunter that they would no more molest our Frontiers nor Attack our Indian Allys, I have lately been surprized wth a menacing Message from New York sent as the Subject for a Conference, between their Comm^{rs} for Indian Affairs and some of those Sachems of those Nations, and that Yo^r Lord^{ps} may be ye better informed of the whole of that

matter, I here enclose a Copy of my Letter to Colo. Schuyler,⁸³ President of New York on that Subject, I thought my self Obligated to tell him very roundly my Sentiments of the behaviour of those Indians, because I have too much reason to suspect he has not Acted w'th that Integrity and Regard to the Neighbouring Colonys w'ch I always found in Brigadier Hunter's Negotiations w'th that People, and more especially Mr. Schuyler having been a long time one of the Comm'rs for Indian Affairs, has too much Countenanced that haughty demand of those Indians to treat no where w'th any of his Maj'ty's Govern'rs except only at Albany, w'ch I take to be too low a Condescension to the humours of those Savages and such as is more likely to Create in them a Contempt of the British power than a fondness for our Friendship.

As to what Y'r Lo'ps desire to know about Regist'ring Grants of Lands made here, I am to Informe Y'r Lo'ps that all Grants of Lands are constantly Recorded in ye Secretary's office as soon as the same are signed.⁸⁴ But what I observed to your Lo'ps formerly, was, that no Books of Acco'ts had been kept by the Officers of the Revenue of the payment of the q't R'ts for those Lands, whereby to forme a Rent roll for demanding y't of; For tho' all the Patents are to be found entered in the Secretary's Office, yet the Lands are so often Subdivided and transferred into other hands, that without a Yearly Acco't kept thereof, and delivered out to the Succeeding Sheriffs, it is impossible that they should know of whom to demand his Majesty's Rents, but this Method I have now w'th much ado Compassed, and I hope a few years w'll produce the Effect I proposed, thereby ye obtaining an exact Rent-roll.

Yo'r Lordships w'll herewith receive a Duplicate of last year's Acco't of the q't R'ts, and also last year's Acco't of the 2s. 3d.

⁸³ Colo. Peter Schuyler, Mayor of Albany; headed a successful expedition against the French north of Lake Champlain in 1691. In 1710, he took, at his own expense, five Indian chiefs to England, for the purpose of exciting the government to vigorous measures against the French in Canada. In 1719, as the oldest member and President of the Council, the government of New York devolved on him.

⁸⁴ The records of the Land Office at Richmond, from 1620, are in excellent preservation.

hhd., and I hope when your Lord'ps reflect that at my coming to the Government this last Revenue was Anticipated above £1,500, and that it is now £2,000 in Bank, occasioned chiefly by the Sale of Rights for Land since the Regulation I made therein, y'r Lord'ps will not think I have struggled unprofitably for that Regulation, however my Adversarys have condemned it, since it is apparent that the four last y'rs' Income of that Branch of the Revenue has yielded more than the seventeen preceding years that it remained under the encouragement of Mr. Byrd and his Father. I shall by the next Conveyance send y'r Lord'ps the Journals of Council upon w'ch I have divers Observations to make, w'ch time w'll not now allow me to enter upon.

My Lords, &c.

May ye 20th, 1720.

To the Board of Trade:

MY LORDS:

The Letter I had the hon'r to write to yo'r Lord'ps on the 5th Instant w'll I hope excuse me from troubling yo'r Lo'ps w'th any matter w'ch has been formerly in dispute between me and some of the Council, and particularly from the promise of my Letter of ye 5th of March of transmitting a Narrative of the behaviour of Mr. Blair and Mr. Ludwell, since upon our gen'l Reconciliation the dispute raised by the former, concerning the Right of Supplying Vacant Benefices, is agreed to be decided in a Judicial way w'th an Appeal to his Maj'ty in Council, and, as to ye Words spoken by the latter, they are to fall under the Gen'l Oblivion, as are also some other indecent Expressions, w'ch I thought were fit to be taken Notice of, and were accordingly Noted in the rough Journals of Council, but are since by mutual Consent expung'd, and are not to be entered as any part of the Council's proceedings, and I hope yo'r Lord'ps will not be displeased that such an End is put to our differences and to yo'r Lord'ps' further trouble therein. In obedience to yo'r Lord'ps' Commands I herew'th transmitt an Answer to the

sev'l Querys sent by yo'r Lord'ps, with such proper Lists and Vouchers as are necessary for ye explicacon thereof.

As to what yo'r Lord'ps are pleased to require in y'r Letter of the 7th of Aug'st, relating to the Boundarys of the Colony, and what Encroachments have been made thereon by the Subjects of any fforreign Prince, I humbly take leave to inform Your Lord'ps that I find here a Charter granted by King James ye 1st, dated ye 23d of May, in the 7th year of his Reign, whereby there is given to the Company of Adventurers for ye Colony of Virginia, all that Tract of Land from Cape Comfort, two hundred Miles Northward along the Sea Coast, and extending from Sea to Sea, West and North West, w'ch w'll comprehend all that Tract from the Bounds of the Carolina Charter to some part of Pensilvania, and consequently include most of the Lakes and great part of the head Branches of Mississippi. In w'ch Space Westward of Us, I don't know that the French have yet any Settlements, nor that any other European Nation ever had, neither is it probable that the French, from their new Plantation, will be able in some Y'rs to reach the Southern Boundaries mentioned in the Charter of Virginia. As to any Encroachments from the Canada side, since the Grant of Pensilvania extends 5 Degrees Westw'd from Delaware River, if the ffrench have now any Settlem't on the Lake Ontario, it is probable these w'll fall within ye Limits of ye Pensilvania Charter, w'ch being of a later date than the ffrench Discoverys in Canada, may admit of some dispute; but I am humbly of Opinion that the Charter Granted to the first Inhabitants of Virginia, being long before the French had any footing in America, may be justly insisted on to exclude them from any pretension to the Territory comprehended in that Grant. The greatest danger of Encroachm'ts is on the side of South Carolina; The ffrench Settlements on Mississippi being expressly within the Charter of that Province, and their apparent design being to extend themselves towards the Inhabited part of that Country, seeing the last Advices I have from thence say that the ffrench have formed a Settlement at ye Habbamalass, w'ch w'll greatly strengthen the people of Carolina in their Indian Trade, and may in time prove more dangerous to them in case of a Rupture w'th the Crown of France. This has so alarmed that Province that it is pretended to be the principal ground of that Revolution there, w'th w'ch, I presume,

Yo'r Lord'ps are by this time fully acquainted; and tho' I can't think Subjects are to be indulged in the practice of throwing off a Lawfull Authority and setting up a new frame of Government for themselves, and for that Reason have declined answering the Letter Colo James Moor sent me notifying me of the People's Election of him for their Governor. Yet if, (as they alledge,) their Proprietors are unable or unwilling to protect them, it w'll deserve the attention of his Maj'ty's Ministers to preserve so considerable a Province from falling into the hands of a fforeigh Power.

Tho' this be a matter different from what Yo'r Lord'ps require of me, w'ch is only concerning the Boundarys of Virginia, I hope I shall nevertheless be excusable, if I presume to offer to Yo'r Lord'ps a Grant made in ye 5th year of King Charles ye 1st to S'r Rob't Keith, of that very Territory where the French are now Seated, and that Y'r Lord'ps may have a Clearer Information of the Extent of the Grant, the time of its Commencement and the persons to whom the Right thereof is since fallen, I here enclose an Original Deed found in the Council Office here, (but of no Relation to this Government,) w'ch may serve as a Direct'n to find out the first Grant w'ch may be useful in the way of Negotiation to shew a Right in the Crown of England before any discovery made by the french in those parts, as ye Charter of Virg'a, mentioned above, and, (w'ch I presume may be found among the Chancery Records,) will serve to assert his Maj'ty's Right to the Lands lying North of the Carolina Grant, and both to confine the french within their ancient bounds in Canada. But as 'tis Scarce to be imagined that a Powerful Nation will easily be concluded by Arguments of Right derogatory to its Interest, what I took the liberty to offer in my Letter of the 1st of February w'll be necessary to be speedily resolved on, in the execution whereof I shall be glad to have a share, if his Maj'ty cannot obtain the Safety of his Plantations by the Negotiations w'ch I understand have been set on foot, wherein some of Yo'r Lord'ps' Board have been employed. Herewith I transmit the Journals of Council and the publick Proclamations, upon w'ch I shall not trouble yo'r Lord'ps with any Comment.

I forgot in my last to informe y'r Lord'ps that one Capt. Knott, of the West River Merch't, London, being taken in his passage hither by one Callifax, a Pirate, eight of y't Pirat's crew took their passage in Knott's Ship w'th an Intent to dis-

perse themselves w'th the Booty they had gott, and, accordingly, as soon as the Ship arrived within the Capes, four of them went away in a boat w'ch the Pirate Commander had given them for that purpose, designing for Maryland; The other four, who intended for North Carolina, came w'th ye ship into James River. Capt. Knott made what haste he could to discover to me what kind of passengers he had been obliged to bring w'th him and the first four being driven back by a Storm, were, with ye others, happily taken, and at their Tryal, upon full Evidence, convicted of divers notorious Pyracys. Six of them appeared the most profligate Wretches I ever heard of, for, as they behaved themselves w'th the greatest impudence at the Bar, they were no sooner taken from it than they vented their imprecations on their Judges and all concerned in their prosecution, and vow'd if they were again at liberty they would spare none alive that should fall into their hands. I thought it necessary for the greater Terrour to hang up four of them in Chains. Two others were executed at the same time, and Two who shew'd a just Abhorrence of their past Crimes, I have, by the advice of the Council, pardoned and sent on board the Man of War on this Station, being desirous to imitate his Maj'ty's Royal Example by mixing Mercy w'th Justice. The Crew to w'ch these Pirats belonged, had committed abundance of Piracys last year on the Coast of Guinea. The Ship they had last was called the Marquis Del Campo, w'ch they took last Summer from the Emperour's Subjects on the Coast of Africa. In this Ship they took the Vice Adm'l of the Brazil Fleet richly laden, homeward bound for Lisbon, and afterwards took several English Ships and Vessels in the West Indies. The eight Pyrates brought in hither had for their share of the booty three Negro men and a boy, a quantity of Gold dust and Moyders [Moidores] w'ch I have now secured in my hands for his Maj'ty's use, but as they had found means before they were taken to Lodge a good part of their Effects in the hands of some planters here w'th whom they got acquainted w'th; and it is but lately that those Effects have been delivered up after a great deal of search and trouble, So that the final Sentence of the Court of Admiralty not being yet passed nor the Acco't of Charges adjusted, I cannot by this Conveyance send a true State of what remains in my hands.

There have been also bro't in hither last Month in the Ship

Callabar, Merchant of Bristol, Tho. Kennedy, M'r, one and twenty Negro Slaves, w'ch he delivered up to me as Piratical Effects, and upon w'ch I am to wait his Majesty's Commands, These Slaves were given to Capt. Kennedy by one Edward England, Comm'd'r of a Pirate Ship by whom Kennedy was taken on the Coast of Guinea last Winter and as the Pirates had detained him for some months and plundered him of sundry Goods, they pretended to give him these Negroes in recompense for his Losses. When Masters of Ships are so honest as to discover and Yield up what is thus given them in lieu of their own private losses, I cannot but recommend them to his Maj'ty's favour that some consideration may be had of their sufferings and damages. And here I beg leave to do Justice to Capt. Knott, by whose prudent Conduct not only the aforementioned Pirates were brought to punishment, but the Lives of the Witnesses preserved, who served to Convict them on their Tryal, for two Jews and two portuguese who had been prisoners among the Pirates were put on board Capt. Knott's Ship at the same time with the eight Pyrats, and had it not been for the good management of the Captain it is not to be supposed the Pyrats would have left any of them to Witness against them. And as he was thus Instrumental in bringing these Miscreants to punishment, he was no less faithful in a just discovery of such of their Effects as he had knowledge of; for he not only discovered and delivered up the Sugar, Tobacco and Gold dust w'ch the Pirates presented him with as a Compensation for his Liquors, Stores and Goods w'ch they had taken from him, and even some Moyders, w'ch they gave him in lieu of the Guineas and English money they plundered him of, but he likewise obliged his Men to deliver up every thing the Pirates had given them. I, therefore, humbly recommend him to Yo'r Lords'ps' favor so far as to assist him in his Application to his Maj'ty for Reparation of his particular Losess out of the piratical Effects he has discovered and delivered up, w'ch are of much greater Value; And seeing Capt. Kennedy has in like manner acted so just a part in delivering up the Negroes given him by the Pirates, in consideration of the damages he and his Owners had sustained by their Means, I beg leave to recommend him, also, to Yo'r Lord'ps' assistance for obtaining Reparation out of the produce of the Slaves he has thus

delivered up to his Maj'ty's use; And because it is a common practice among the Pirats to make presents to Masters of Ships and Seamen of such Commodities they have less use of, in lieu of what they take away, and that without the voluntary confession of the persons themselves, it is impossible to discover such Piratical Effects, I humbly offer to Yo'r Lo'ps' consideration whether it may not be for his Maj'ty's Service that as an Encouragement to those who shall faithfully discover any such Piratical Effects, their particular Losses may be repaired out of the Effects they so deliver up, where ye proper Owners are not like to make any Claim. And if his Majesty shall be pleased to notify such an Encouragem't by Proclamation, I am persuaded it would be a means to discover abundance of Piratical Effects, w'ch otherwise may be concealed and converted to private use, many men being rather willing to run all risques in keeping what they have gott than to put themselves to the trouble of a discovery, when they have nothing to expect. The Acco'ts of the Q'tt R'ts and Two Shillings per hhd., &c., w'ch are here Inclosed, I hope will satisfy Yo'r Lord'ps of the Increase of both those Revenues, and may serve as an Indication of the thriving Condition of the Country, when so much Tobacco is Exported and such great Quantities of new Land taken up for Cultivation, as will appear from the number of Rights sold.

I am, &c.

May ye 20th, 1720.

To Secretary Craggs:

R'T HON'BLE :

The News I had the hon'r to receive in Y'r Letter of the 1st of Feb'ry of the King of Spain's accession to the Quadruple Alliance, would not be less acceptable to this Country, which subsists by Trade, and has so great a share in the British Commerce exposed to the danger of the Privateers of such an Enemy, than it was joyful for me to hear that war

happily ended w'th so much Reputation to his Maj'ty's Arms and Councils, and you will be pleased to allow Me the hon'r to congratulate you on the part you have had on that happy Event.

All the Allay we have to that acceptable News is, y't while We expected no further Interruption to our Trade, some privateers fitted out at St. Augustine have for this month past infested this Coast, and because the prizes they have taken on some of them may possibly fall within ye Limitations of the Suspension of Arms, I begg leave to be ye more particular as to the Captures w'ch have hitherto come to my knowledge, as the same have been attested by some prisoners set on Shore, w'ch are as follows: A Ship bound from London to So. Carolina, taken on ye 28th of Apr'l last; a Sloop from Perth Amboy, bound to No. Carolina, taken on ye 4th of this Month; A Shallop from North Carolina, bound hither, taken within our Capes on the 15th, and the Ship Jno., of London, Jno. Lowbridge, M'r, laden w'th Tobacco from hence, taken also within ye Capes on the 16th Instant, these are supposed to be Carried to St. Augustine, and if they are not lawful prize, according to ye Treaty between his Maj'ty and the King of Spain, I doubt not you w'll endeavour that Right be speedily done to the party Injured. As I believe you are no Stranger to Some late disputes w'ch happened between some of the Council of this Colony, and are in relation to the Administration here, I take this opportunity to acquaint you that all differences of that kind are now entirely accommodated to the General Satisfaction of the Country, the Chief point in Controversy being that of the Governor's power of nominating Judges of Oyer and Terminer, those Gent'n who had contended for the Right of the Council to be the sole Judges in those Courts have, since the last hearing of their pretensions before ye King in Council, thought fit to fall into more moderate Sentiments, and as I had often laboured to such a Temper, I embraced with a great deal of Satisfaction the occasion that was offered to drop all past contentions, and to unite again for the publick service, and even all private Resentments are Abolished w'th the publick Contests, and no more Invidious Distinctions left of Governor's and Country's Partys, I doubt not to get such an Assembly, wherein I shall be able to obtain many things for the King's Service and the benefite of the Colony, w'ch I have been hitherto obstructed in.

One Capt. Knott, M'r of the Ship West River, Merch't of Londo., having in the passage hither been taken by one Callifax, a Pirate, commanding a Ship formerly called the Marquis del Campo, of Ostend, w'ch was taken from the Emperor's Subjects on the Coast of Guinea, eight of the Crew of that Pirate took their passage in Capt. Knott's Ship, w'th an Intention, as soon as they came thither, to disperse themselves w'th the booty they had got, and, accordingly upon their arrival, four of them took a boat, w'ch their Comm'd'r had given 'em, and went up the Bay, but were forced back by a Storm into an obscure place at the mouth of York River; the other four, designing to shelter themselves in No. Carolina, kept w'th Capt. Knott 'till he came to his port, but the Capt. making what hast he cou'd to discover them to me, I had them apprehended aud brought to Tryal, where, upon full Evidence, they were convicted, and four of the greatest Rogues hung up in Chains. These pirates bro't w'th them three Negro men and a boy, and a considerable sum of money, w'th some Gold Dust, but as they were some days travelling in the Country before they were taken, they had found means to lodge part of their Effects in ye hands of some of the Inhabitants, and it being but lately that these Effects have been discovered, after a great deal of Search and trouble, the Court of Vice Admiralty here has not yet past a final decree of Adjudication on them; for, as it is my practice in all these Cases to deliver the Effects into the Court, and to have them decreed into my hands for his Maj'ty's use, as well as to have a fair Acco't of everything kept on Record, I am obliged to defer sending the particular Acco't of these piratical Effects till ye Decree is given and the Acco't is fully Stated.

All I shall trouble you w'th on this head is to recommend to his Maj'ty's favour Capt. Knott, by whose means these piratical Effects were obtained, and by whose prudence not only his own Ship was preserved, but the lives of the Witnesses saved, w'ch served to convict the pirates. As Capt. Knott was plundered of all his Sea Stores and a considerable quantity of Merchandize, of his own private Adventure, for which the Pirats gave him ten Chests of Brazil Sugar and ten Rolls of Tobacco, some Gold Dust and Moyders as a Recompence, I am obliged in Justice to declare that he very faithfully discovered and

delivered up everything they gave him, and obliged his men to do the same, wth some money w^{ch} the pirats had given them, Wherefore I hope his Maj^{ty} w^{ll} be graciously pleased to allow him a Recompence for his private losses out of the Effects he has discovered and delivered up, w^{ch} are of much greater value; but of this I shall treat more at large in a Memorial w^{ch} I am preparing to accompany him, and w^{ch} he w^{ll} have the hon^r to represent to you before he makes his Application to his Maj^{ty}.

The Master of the Ship Callabar, Merch^t of Bristol, having been taken on the Coast of Guinea, and detained some weeks in the Custody of the Pirates, they, upon discharging him, made him a present of One and twenty Negro Slaves, w^{ch}, upon his Arrival here, he delivered up to me, and upon w^{ch} I pray you^{ll} be pleased to signify his Maj^{ty}'s pleasure, since they not being strictly within the meaning of goods perishable, I shall keep them in kind 'till I receive his Maj^{ty}'s Commands, or that application be made by the owners, if any such be, and proof made of the property.

I shall only add that the Journals of Council and other publick papers w^{ch} go herewth, w^{ll} inform you of what is remarkable in the Administration here, and seeing this Colony enjoys at present tranquility and its Trade in a very flourishing Condition, I hope I shall, for the future, have no occasion to interrupt Yo^r more weighty Affairs wth any other trouble from hence than the constant professions of my being with the greatest respect,
Sir, &c.

Octo. 22d, 1720.

To the Board of Trade:

MY LORDS:

A very extraordinary Accident occasions the trouble I am now to give Yo^r Lords^{ps}. Dr. Cock, Secretary of this Colony, and one of the Council, was this day seized wth an Applectick fitt as he was sitting on the Gen^l Court Bench, and Dyed immediately, By w^{ch} both ye Office of Secretary and

the place of one of the Council are become vacant, I have, for supplying the first, Commissioned Colo. Edmund Jennings, who formerly enjoyed that Employment for near twenty years wth great sufficiency, and beg leave to recommend him to Yo^r Lord^{'ps} favour for his Confirmation in it. I believe I need not informe your Lord^{'ps} that Mr. Jenings did not resign that Office on any other consideration than his being Obligated to a Voyage to England to take care of an Estate then fallen to him there by the Death of an Elder Brother, and that upon his resignation to ye Gent. now dec'd, it was agreed that an Equal Share of the Proffits of the Office should be paid him, an Agreem^t w^{ch} her late Maj^{'ty} was pleased to approve of and to enjoyn me to see duly performed, as it hath constantly been done. Neither is it unknown to Yo^r Lo^{'ps} that Mr. Jenings Acted here for sev'l Years in the Chief Administration of the Governm^t as President of the Council, wth gen'l Approbation; and I must do him the Justice to declare that since my arrival here he has always behaved himself wth a becoming Zeal for his Maj^{'ty}'s Service. I am, therefore, the more encouraged to hope for Yo^r Lord^{'ps} good Offices in his behalf, and that no man here w^{ll} stand in competition wth one who, besides his being constantly possessed of the Office, at least of one-half of it, doth more particularly merit his Maj^{'ty}'s favour by his long and faithful Services. As to the vacancy now occasioned in the Council, having formerly recommended to yo^r Lord^{'ps} Mr. Jno. Robinson as a person in many respects the best Qualified to serve his Maj^{'ty} in that Trust, your Lord^{'ps} w^{ll} be pleased to give me leave to repeat the same Recommendation, and 'tis probable that some others may be named for this Vacancy, but I must take the liberty to say that the persons whom I apprehend most likely to aim at it are akin to the greater part of the present Council, and whatever other Qualifications they may have, the inconveniencys of too many Relations in the Supreme Court of Judicature are obvious enough to Your Lord^{'ps}, and sufficiently felt and dreaded here.

My Lords, &c.

Octo. 22d, 1720.

To Secretary Craggs :

R'T HON'BLE :

The sudden death of Dr. Will'm Cocke, Secretary of this Colony, and one of his Maj'ty's Council, (who dyed this day on the Gen'l Court Bench of an Apoplexy,) occasions my troubling You w'th the notification of my appointing in his place of Secretary, Mr. Edm'd Jenings, a Gent. who formerly held that Office for near twenty years, and who, upon his Resignation of it to the person now dec'd, still reserved to himself one-half of the profits, by an Agreement approved of by her late Maj'ty, and w'ch I was particularly enjoined to see performed; So that all along, being in a manner possessed of the Office by the Royal Approbation, Justice obliged me to devolve it again upon him, and I beg leave humbly to recommend him to his Maj'ty's favour for his confirmation in it, and to bespeak Y'r Interest and good Offices in his behalf. His long and faithful Services to the Crown for upwards of 30 years as one of the Council here; his Acting w'th general Approbation for four years in the Chief Administration of this Government in ye absence of a Governor, and the remarkable and becoming Zeal I have always observed in him for his Maj'ty's Service, encourage me to hope His Maj'ty w'll be graciously pleased to Confirm to him this Office, preferably to any other that may apply for it from hence, and who can in No Ways pretend to an Equal Merit.

The Vacancy w'ch is also occasioned in the Council by Dr. Cock's Death, I pray may be supplied by ye appointm't of one Mr. Jno. Robinson, whom I recommend to Y'r favour as a Gent. of good parts, and well affected to his Maj'ty's Service, and against whom the common objection of being a kin to the greater part of the present Council cannot be alleged. I am apprehensive that Interest will be made to fill this Vacancy w'th one who is of the same kindred, and for that Reason I have judged it for his Maj'ty's service to give you this timely Information, to prevent the inconveniency's w'ch you are sensible must follow from having too many Relations in the Supreme Court of Judicature here, as well to prevent any Reflection the people may make on the dispensation of his Maj'ty's favours.

Dec'r ye 20th, 1720.

To the Com'rs of the Customs :

HON'BLE GENT'N :

Since ye last I had the hon'r to Write to y'r Board, nothing has happened here w'th relation to the Trade to occasion my giving You any trouble. All I have now to inform You of is, that I have appointed Mr. W'm Robinson to be Naval Officer of the District of York River.

As I did not make that Choice without a perfect knowledge of his fitness and Capacity for the discharge of his Office, So, I doubt not, he w'll to Y'r Board, (as he has already here,) given unquestionable Security for his faithful Execution of it, and on all occasions Merit Y'r Hon'rs' Approbation.

I am, w'th great respect,

Hon'ble Gent'n, &c.

May ye 31st, 1721.

To the Board of Trade :

MY LORDS:

Having, by two former Opportunities, transmitted to y'r Lo'ps the Journals and Laws of the late Gen'l Assembly, w'th my Remarks thereon, I now proceed to some other Occurrences in the Governm't, w'ch I was unwilling to mingle w'th ye Assembly transacons. About the middle of last September this Coast was greatly infested by the Spanish Privateers from St. Augustine, and while the Guard Ship on this Station was Careening, one of these Privateers came within our Capes and made prize sev'l Vessels, one of w'ch being a Ship belonging to Lancaster, laden w'th Tobacco, happened to be retaken by the Lieut. of the Guard ship, (who went out in a Sloop w'th an intention to surprize ye Privatier, but failed of his design,) and on board of this Ship there were ten Spaniards, who had w'th them the Copy of a Commission granted in

August by the Governor of St. Augustine, to one Nicholas de Conesption, a Spanish Mulatto, and Capt. of the Privateer who took that Ship. Upon Examination of these prisoners, it appeared that the Cessation of Arms had been notyfyed to the Governor of St. Augustine by the Gov'r of So. Carolina before that Privateer Sailed out of Port, but that the Spaniards Resolved not to regard on pretence y't it had not been Notified to them from their Court. I thereupon thought fitt, w'th the advice of the Council, to send a flagg of Truce w'th a Letter to the Governor of St. Augustine, demanding restitution of the Vessels and Effects taken by his privateers during the Cessation, and at the same time sent ye Spanish prisoners taken there. When the Gent. sent w'th the flag of Truce arrived at St. Augustine, he found there the same privateer w'ch had committed the late hostilitys on this Coast, and w'th him sundry of the prizes, vizt.: A Ship called the Recovery, of London, taking in ballast, a Sloop called the Mary, of Philadelphia, laden w'th bread and Flower, and a Sloop belonging to London, w'th a considerable Number of Negroes on board, w'ch had been taken in her passage to Virginia, and that of the other Prizes taken on this Coast, some had been sent to Havannah, and others lost upon the Barr of St. Augustine though the Unskilfulness of the persons put in to Navigate them. Tho' the Governor of St. Augustine, upon the Receipt of my Letter, pretended to disown his giving any Commission for Cruising on the Coast of Virginia, and made a Show of trying and Condemning the Capt. of the privateer, and directed the London Ship and Philadelphia Sloop to be delivered up, Yet he would by no means part w'th the Sloop w'th the Negroes, w'ch was more Valuable than both the others, but alledged that that Sloop was a lawfull Prize for having Redwood on Board, w'ch he said was the Growth of the Spanish Plantations, tho' it was evident the same was brought from the Coast of Africa; and as to the Loading of the Phyladelphia Sloop, he pretended to purchase it for ye use of his Garrison, and, accordingly, took out the bread and flower, but tendered no other payment than a Note under his hand for 2,098 pieces of Eight, w'ch is of no value to the Owners, seeing they dare not send to demand it at a place where their Vessels are lyable to be Seized upon the most trifling pretences; And as to the other prizes taken on this Coast, w'ch had been sent to other

Ports or lost, no Reparation could be obtained for them. However, the sending this flagg of Truce has had this good Effect, that none of the Spanish Privateers have since molested our Trade. But, notwithstanding the Trade of this Colony remains for the present undisturb'd, I cannot forbear representing to Yo'r Lord'ps how necessary it is that some more Effectual care be taken to preserve the freedom of Navigation to and from the West Indies, and especially from the Insults of those of St. Augustine, w'ch seems to be rather a resort of Banditto than deserving the name of a Government, for here are too late Instances of the notorious Injustice of the Spanish Officers there. the one is that the Ship Prince of Orange, of Bristol, having been sent from Pensilvania w'th a flagg of Truce to exchange some prisoners and to reclaim a Vessel belonging to that Province, taken since ye Cessation of arms, after the Capt. had in vain Solicited the affairs w'th w'ch he was intrusted, and was preparing to be gone on his Voyage to Barbadoes w'th his Loading of Bread and flower, The Governor of St. Augustine desired he would sell him part of his Cargo, for that he had occasion for such kind of provisions, and, accordingly, did agree w'th him for a considerable quantity of Flower, w'ch was delivered and part of the money paid, but before the whole was discharged, the Capt. was clapped under a Guard and Orders given for Seizing his Ship, under a false charge that he had Landed European Goods without the Governor's permission, and tho' he found means to Send Orders to his Ship immediately to sett sail for this place, and so saved her from Seizure, yet he was kept in prison sev'l days, and not suffered to depart 'till they had taken from him all the money he had recovered for his provisions.

The other instance is, A Brigantine belonging to Boston, one Joseph Berry, Master, coming from Jemaica, was, in the month of February last, taken by a Spanish ffriggat in the Gulph of Florida and carryed into St. Augustine, and tho' it appeared by his Cocquetts that his whole Lading was taken in at Jemaica, yet, because he had Brazilletto Wood on board w'ch ye Spaniards pretended was the production of their plantations, they there condemned both the Vessel and Cargo, and the poor man, (who had a great part of his Substance in that Brigantine,) is come in hither, a fatal instance of the Effects of Violence and

Oppression, having, together wth his Goods, entirely lost his Senses. From these Example, Yo^r Lord^{ps} w^{ll} judge how must the Es^{tates} of his Maj^{ty}'s Trading Subjects in these parts ly at the mercy of our Spanish Neighbours, for if the having on board their Vessels any Commoditys of the like species wth those w^{ch} are produced in the Spanish Plantations, nay even a pistole or p^s of £. w^{ch} is the common currency of these Colonys, be, (as the Spaniards pretend,) a sufficient Ground for making Prize of the Vessel in w^{ch} the same are found, every Ship and Vessel Trading in America may be seized, and, considering the charge and difficulty of private persons Solliciting Redress at the Court of Madrid, the remedy seems as intollerable as the Desease; And I hope while a new Treaty is on foot with that Crown Yo^r Lo^{ps}, w^{ll} be please to represent this growing Evil so powerfully as that it may be restrained for the future. I shall only add that the Depredations committed by the Spaniards on this Coast, besides the loss to particular P^{sons}, Inhabitants here, w^{ch} are yet unrepaired, has cost this Govern^{mt} near a thousand pounds, including the Bounty money given by the Gen^l Assembly to the men that went in ye Flag of Truce. A Ship is lately arrived here from the Isle of May, w^{ch} in her passage a little to the So^{ward} of Burmuda, was taken by one Roberts, a Pirat Commanding a Ship of 38 Carriage and 12 Scowell Guns, and 240 men, and in his Company a Briganteen of 18 Guns, also well mann^d. He told the M^r of this Ship that he expected speedily to be joyned by a Ship of 46 Guns, and that he would make Virg^a a Visit and revenge the Death of the Pirats w^{ch} have been executed here, and considering the boldness of this Fellow, who last Year wth no more than a Sloop of 10 Guns and 60 men ventured into Tenassy, in Newfoundland, where there were a great number of Merch^t Ships, upwards of 1,200 men and 40 p^s of Cannon, and yet, for Want of Courage in this heedless multitude, plundered and burnt divers Ships there and made such as he pleased prisoners, I thought it prudence to lay hold of this opportunity to put the Country in a better posture of Defence, and have got the Council Unanimously to Consent to ye Erecting of Batterys at the mouth of James River, York and Rappahannock, where I shall in a few days have 54 p^s of Cannon mounted, and hope when these Batterys are finished according to the Plan I have laid the Country will be under no

dread from any Alarm at what the pirats may be able to do, and the Ships in our River may ly in safety, but in order to prevent the danger to the Trade of these Plantations, I am humbly of opinion that Ships of greater force than those now station'd here are necessary to be sent to Guard the Coasts, for there is not one of the Guard Ships on this Coast fit to encounter such a one as Roberts has now under his Command, and it is no easy matter for two or more of the men of War to joine of a sudden, so remote as their stations are from one another, for suppressing any great force of the pirats appearing on these Coasts. Certainly a 40 or 50 Gun Ship is absolutely necessary to Convoy our Merch't Ships out to Sea and a smaller Vessel, such as a Sloop or Brigantine, to pursue little puckerons in Shoal Water where a great Ship cannot come at them, would be very serviceable towards the Security of our Trade and driving the Pirats from this Coast, where they frequently resort to furnish themselves w'th provisions as well as to wait for good Ships when their own is grown out of Repair, And if, last Year, there had been two Men of War here, the One to have Cruised while the other Cleaned, the great loss this Colony, and the Trade of Great Britain in gen'l, suffered here from the Spanish privateers had been prevented.

I herewith Inclose to yo'r Lord'ps the Acco't of q't Rents and of the two shillings p hhd. by w'ch yo'r Lord'ps may see ye present State of both those Branches of his Maj'ty's Revenues here.

I also herewith transmitt to y'r Lord'ps the Journals of Council to this time and other publick transactions of the Gov't, w'ch are such as do not require any particular Remarks, except that yo'r Lord'ps w'll observe by the many Petitions for leave to take up Land how much the Frontiers of this Country are likely to be extended, and principally upon the hopes of his Maj'ty's gracious approbation of the Act passed last Session, and the Address of the Assembly for encouraging the possessing the passes of the great Mountains, both w'ch I hope, by your Lord'ps' favorable interposition, are by this time obtained.

My Lords, &c.

July ye 28th, 1721.

To Sec^y Craggs:

S^rR:

An Affair has lately happened here w^{ch} gives occasion to my troubling you at present, and which you will please to lay before the Admiralty Board.

While I was employed on the Frontiers of this Government, Information was given to the Capt's of his Maj^t's Ships of War on this Station, that certain Masters of Ships, lately arrived here from Madagascar, had there traded with Pyrats and Supplied them wth Arms and other Stores of War, upon which Sundry of the Comm^{rs} nominated by his Majesty for tryal of Pyracys in this Colony convened, and in conjunction wth the Capt's of the Men of War issued their warrants for bringing before them three of the Commanders of those Madagascar Ships, viz^t: Richard Herbert, of the Henrietta, of London; Chalonce Williams, of the Gascoign Galley, of Bristoll, and Jos. Stratton, of the Prince Eugene, of the same Port. The Evidence against the two former not Swearing convincing enough, the Comm^{rs} thought fitt to discharge them, but there appearing stronger proof agst the latter, they were of opinion that he ought to be sent home to Great Britain, to take his Tryal as an Accessary to Piracy, and that Application should be made for my warrant for sending him home in the — Man of War, and in the meantime committed him to Capt. Wharwood's Custody. As soon as I received advice of this discovery, and that these M^{rs} were under Examination, I posted hither wth all diligence, but tho' I have now travelled upwards of 200 miles in less than six days, I found at my Arrival Capt. Wharwood had Sailed hence wth his prisoner the day before without waiting for my Warrant, or carrying wth him ye Examinacons which had been taken before the Comm^{rs}, w^{ch} contain ye grounds of Stratton's Commitment. What pressing Order Capt. Wharwood had for his sudden departure I know not, but I was surpriz'd at It when he received, the day before his Sailing, a Letter from my Secretary that I was on the road and would certainly be at Williamsburg

next day if not that Night. And, therefore, lest it may be faulted that this prisoner is gone home without the proper Evidences and Warrant for his Commitm't, required by his Maj'ty's Instructions, I am obliged to say thus much in my own Justification, that I no sooner received Intelligence of the taking up these Mast'rs than I prepared for my Journey, staying only one day after the Messenger, tho' I had pressing business to have detained me longer. I arrived within two days after the last Examination was finished, and brought with me ye Warrant ready drawn up for the Commitm't of Stratton, and only wanted to know the names and number of the Witnesses, and to be satisfied whether any other Evidence was necessary in Order to have sent them home also with the prisoners, and indeed had I seen Capt. Wharwood I should have sent Stratton's witnesses likewise with him. But since my intention herein is disappointed, I can only now transmitt Copys of the Examinations taken before the Comm'rs, and I believe I cannot send them to a more proper hand than yours, seeing that in the case of Trying Accessarys to piracy the Admiral and Judge of the high Court of Admiralty are to be the Chief Judges. I send also the Examination taken against Williams and Herbert, and tho' I confess I am not entirely satisfied w'th Williams being discharged, yet so great is the Clamour here on Acc't of the Carrying off Stratton, without allowing him the liberty of taking w'th him ye Evidences he had for his Justification, that I durse not Venture upon a Re-examination into Williams' Conduct; however, if there appears sufficient matter to charge him as an accessory, he may be called to Account in England, whither he is now bound. I have lately received Advice that Application has been made to my Lords of the Admiralty for a Commission constituting Mr. Holloway Judge of the Court of Vice Admiralty here, and that it had on that occasion been represented to their Lord'ps as if I had turned him out of that Office. That I may stand Right in their Lord'ps' Opinion, I take leave to inform you that at my coming to this Government I found one of ye Gent'n of the Council in the Office of the Judge of Court of Admiralty, and who had been put in by Commission from the former Governor. This Gent'n I continued in the same Post, and, upon his Death, appointed Mr.

Holloway to succeed him, pursuant to a power granted under the Great Seal to the Governor of Virginia, for the time being; to Constitute Judges and all other Officers of the Admiralty, not only in Virginia, but in Carolina and the Bahama Islands, as often as said Offices should become Vacant. Mr. Holloway continued in that post 'till ye year 1718; that one Howard, a notorious pirate and Quarter Mast'r to Thach, came into this Country and lived for some time in a very disorderly manner at one of our port Towns, and giving just Suspicion of his design to debauch the Sailors at that place, and to forme a Comp'ny of them to run away with some Vessel for his purpose, and so to pirate again. He was taken up and put on board the Pearl Man of War; Mr. Holloway espoused his Cause, and Arrested Capt. Gordon and Mr. Maynard, his L't, each, in an action of five hundred pounds, for the (pretended) false Imprisonment of this fellow, and I have now by me Holloway's Receipt for three Ounces of Gold dust paid him by Howard²³ for his fee in these Suits. It was soon discovered that Howard had been guilty of piracy after the time Limited in his Maj'ty's first Proclamation of Indemnity, (the second Proclamation of pardon not being then known here,) upon w'ch he was tryed and Condemned upon very full Evidence. When the Court was called for this Tryal, Capt. Gordon and Capt. Brand, who were to sett as Judges w'th the other Comm'rs, declared they would except against Mr. Holloway's setting on the Tryal of a person for whom he had been feed as an Attorney, and to prevent any disturbance on the Bench, w'ch I apprehended would ensue upon their publicly excepting against Mr. Holloway, I sent him a civil Message to desire him not to expose himself by appearing on that Tryal. This he took so heinously, that a Seizure happening to be made soon after of a Vessel for illegal Trading, he refused to act any longer as Judge of the Court of Admiralty, w'ch, I confess, I was not much displeased at, since it gave me an opportunity of putting an honest man in his place; And this is a true account of that removal of Mr. Holloway, w'ch, it seems, is now called a turning him out of his Office, and for the truth of this I appeal to Capt. Gordon and Capt. Brand. I believe I need make no apol-

²³ Wm. Howard; for his indictment see *Cal. Va. State Papers*, 1, p. 196.

ogy to their Lord'ps for my appointment of Mr. Clayton to be Judge of that Court, since, besides his being the King's Attorney General here, every one who knows him will allow him the Character of a very honest Gent'n, and the other a constant patron and Advocate for Pirates, and even in this Case of the Madagascar Ships offered to take the Cause of the several Masters, if they would pay him two hundred pounds each, if Cleared from the Port of Hampton, in Virg'a.



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